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CONSTITUTIONAL REFORMS IN MYSORE. 1921

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CONSTITUTIONAL REFORMS IN MYSORE.

CONSTITUTIONAL REFORMS IN MYSORE.

		PAGE.
1.	Extract from Sir M. Kantaraj Urs' Speech at the Legislative Council on 29th June 1921	1
2.	Sir M. Kantaraj Urs' Tentative Suggestions on Constitutional Reforms dated 3rd September 1921	1
3.	Notes on Constitutional Reforms by Mr. C. Srikanteswara Aiyar dated 10th September 1921	3
4.	Notes on Constitutional Reforms by Dr. Brajendranath Seal dated 14th Sept. 1921	7
5.	Do by Mr. J. S. Chakravarti dated 20th September 1921.	13
6.	Do by Mr. K. P. Puttanna Chetty dated 27th Sept. 1921.	15
7.	Do by Mr. M. C. Ranga Iyengar dated 27th Sept. 1921 ..	20
8.	Extract from the Address of the Vokkaligara Sangha at the Dasara Session of the Representative Assembly October 1921	23
9.	Notes of Discussion at the Dasara Session of the Representative Assembly October 1921	24
10.	Extract from the Dewan's concluding remarks at the Dasara Session of the Representative Assembly, October 1921	27
11.	Notes on Constitutional Reforms by Mr. P. Raghavendra Rao, Member of Council, dated 25th November 1921	27
12.	Notes on Constitutional Reforms by Mr. Mir Humza Hussain, Member of Council, dated 3rd December 1921	30
13.	Notes on Constitutional Reforms recorded at the Council Meeting dated 9th February 1922	33
14.	Dewan Mr. Banerji's Submission Note dated 6th April 1922, to His Highness the Maharaja on the subject of "Constitutional Reforms in Mysore" ..	34
15.	Extracts from the Dewan's Speech at the Legislative Council Meeting held on 10th April 1922	35
16.	Notes on Constitutional Reforms by Sir M. Visvesvaraya dated 30th May 1922.	36

CONSTITUTIONAL REFORMS IN MYSORE.

(I)

Extract from Sir M. Kantaraj Urs' Speech at the Legislative Council on 29th June 1921.

* * * * * * *

In connection with the discussions on the budget it was inevitable that some of the members should refer to the question of larger participation of the people in the responsibility of Government. I need hardly say that the progress of constitutional reforms in British India is being closely followed by His Highness' Government and I may say that the inauguration of measures of constitutional reforms on lines adapted to our requirements and conditions is a matter which will receive their earnest attention.

* * * * * *

(2)

Sir M. Kantaraj Urs' Tentative Suggestions on Constitutional Reforms dated 3rd September 1921.

As Mysore is under the personal rule of His Highness the Maharaja, Responsible Government in the sense of the Executive being responsible to the representatives of the people is not feasible here at present.

2. The Dewan and Members of Council should continue to be responsible to His Highness the Maharaja and to hold office during His Highness' pleasure.

3. Constitutional advance towards representative Government may be made by giving representative institutions an increasing opportunity to influence His Highness' decisions rather than by making the Ministers responsible to those bodies and to that extent not responsible to His Highness.

4. Rather than attempting to create new representative institutions on British Indian models, full advantage should be taken of the existing institutions, *viz.*, the Representative Assembly and the Legislative Council. These should be further developed with due regard to their history and traditions and their status and influence should be enhanced. A bi-cameral system is in the circumstances inevitable.

5. The initial step is to declare unequivocally what is already indirectly implied in the Mysore Legislative Council Regulation that no new taxes will be levied without the consent of the Council and to extend this privilege to the Representative Assembly also.

6. The next step is to select some departments of Government which closely and directly affect the people's daily life more than the safety of the body politic and to declare that the portion of the State budget relating to those departments shall be votable by the two bodies and that modifications of the budget and resolutions on matters of administration in respect of such departments, when passed by both the bodies concurrently by a three-fifths majority, shall be binding on the Executive Council unless His Highness deems fit to veto such resolutions. This may apply to the following departments for the present :—

1. Land Revenue.
2. Forests.
3. Excise.
4. Income-tax.

5. Stamps.
6. Registration.
7. Civil Secretariats.
8. Account and Audit.
9. Scientific and Minor Departments
10. Stationery and Printing.
11. Medical.
12. Sanitation.
13. Public Works.
14. Irrigation.
15. Education including University.
16. Agriculture.
17. Industries and Commerce.
18. Co-operative Societies.
19. Local Self-Government.
20. Railways.

Provided that in the above departments (i) questions jointly affecting the Mysore State and British India and (ii) contracts entered into by the Government prior to 1st July 1922 shall not be votable.

This provision will be without prejudice to the existing privilege of passing resolutions of the nature of recommendations to Government in respect of all matters other than those excluded from the purview of the two bodies, *i.e.*, other than those affecting :—

1. The Ruling Family of Mysore.
2. The relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States.
3. Matters governed by treaties, conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power.
4. Extradition of criminals.
5. European vagrants.
6. European British subjects.
7. The Post Office, Telegraphs and Railways.
8. The Mysore Military Forces, or
9. Such other matters as may from time to time be specially reserved by His Highness the Maharaja for consideration by the Government.

7. In the matter of legislation, the powers of the Legislative Council require no extension, but it is necessary to give certain statutory powers to the Representative Assembly also. In view of the difficulty of Legislative enactments being examined and discussed in detail by a body constituted as our Representative Assembly, it will be sufficient for the present, if provision is made for the Representative Assembly having an opportunity of discussing the main principles of every bill that goes before the Legislative Council. Either the Government may introduce bills in the first instance in the Representative Assembly for approval of the general principles (first reading) after which the bill may be placed before the Legislative Council and passed through all stages ; or in cases where the bill is first introduced in the Legislative Council it may be declared that His Highness will, ordinarily (that is, except in emergent cases) reserve his assent until the close of the next Session of the Representative Assembly. If the Assembly moves and adopts a resolution on any such bill either for amending or dropping such bill, His Highness may consider such resolution and give his assent with or without amendments or decline assent at His Highness' pleasure.

8. The strength of the Legislative Council may be raised to 50 composed of:—

1. Dewan (President).
2. Members of Council, one of whom will be Deputy President.
3. Fourteen other official members.
4. Six nominated non-official members.
5. Twenty six members elected by direct primary election.

9. The Legislative Council Rules may be revised in the light of British Indian Rules.

10. The Representative Assembly may be reconstituted so as to consist of:—

A President and a Deputy President; and 150 elected members as follows:—

	No.
(1) Elected by taluk electors (rural areas) 1 from each taluk	77
With one extra for large Taluks	19
(2) Elected by residents of 2 City Municipalities (2 each)	4
(3) Elected by residents of Town Municipalities and the Kolar Gold Field	30
(4) Depressed and labouring classes	12
(5) Special interests, such as, Planting and Mining Communities, Chamber of Commerce, Mysore University	8

The Assembly will, as at present, be entirely non-official and elective, but Heads of Departments and other officers deputed by Government will attend the Session and take part in the discussions, but will have no powers of voting.

11. The rules of business of the Representative Assembly may be revised so as to omit the present system of sending numerous representations, holding of District meetings, etc. The Assembly will deal with the budget, legislation and interpellations and resolutions on matters of public interest (both those passed by the Legislative Council and those moved in the Representative Assembly first). Provision may be made for balloting of resolutions as in British India.

12. The franchise for both bodies may be widened and the sex disqualification removed in respect of voters.

13. Out of the members of the Executive Council, two may be appointed from the Public Service and one may be selected by His Highness from among members of the Legislative Council or the Representative Assembly.

(3)

Notes on Constitutional Reforms by Mr. C. Srikantesvara Aiyar dated 10th September 1921.

In the "tentative suggestions" now submitted there seems to be some slack appreciation of the nature of the personal Rule of His Highness the Maharaja, which is 'that of a King as understood in Indian Polity, and of the system of administration, specially devised, after long experience and mature consideration, with a view not only to meet the requirements of present conditions but also to balance and find a suitable adjustment of the relative powers of His Highness the Maharaja, his Ministers (*i.e.*, the Dewan and Members of Council) and the British Government, wherein the chief authority and the ultimate governmental responsibility in all cases rest with His Highness the Maharaja.

2. Under such a system, 'Responsible' Government in the sense in which the 'Executive' would be responsible to the representatives of the people is rightly ruled out as not in order. Only it should further be emphasised (to clear an ambiguity which might possibly lurk in the term 'Executive' as used in this note of tentative suggestions, particularly if applied to denote His Highness' Ministry the Dewan and Members of Council). That the 'Executive' in Mysore has no separate constitutional powers to act independently of His Highness, and that the Government virtually is 'the Government of His Highness the Maharaja.'

3. Nor does such a constitution as ours admit of the idea of an advance towards 'Representative' Government in the sense that that term is used and taken from forms of Government in vogue elsewhere, which is foreign to the nature of Kingship and Government applicable to that of His Highness. In so far the essence of 'Representative Government is to produce coincidence between the wishes of the sovereign and the wishes of the subjects,' (Dicey on Law of Constitution, p. 80) as much as is possible to achieve such an end, consistent with the limitations of the Paramount Power and of the Treaty obligations as embodied in

Articles 18 and 19 thereof, is amply provided for in the existing machinery and *practice* of His Highness' Government. His Highness' power of appointing ministers is absolute—as many and whichever source available. It is to the ministers to tender the best advice conducive to the State as a whole, *which to that extent and view must be in harmony with the wishes of the people.* Our Representative Assembly and the Legislative Council are only the media through which such wish is ascertained. The Dewan and Members of Council continuing responsible to His Highness and holding office during His Highness' pleasure, cannot divert themselves of their responsibility by shifting it to the joint deliberations of other bodies or seek shelter thereunder as it might eventually lead to, were they invested with constitutional powers 'to influence His Highness' decisions,' rather than those of the Dewan and Members of Council on whom lies the entire responsibility in tendering their well considered advice, based upon the accurately ascertained wishes of all sections of His Highness' subjects, to His Highness on which he may act as a constitutional Sovereign.

4. So much for the general constitutional aspects referred to in paragraphs 1 to 3 of the tentative suggestions. In regard to the individual points suggested for further developing the Legislative Council and the Representative Assembly and enhancing their status and influence, the inevitability of a bicameral system is not apparent. One is a statutory body with definite functions assisting the legislature. The other is a general consultative Assembly with a history and tradition, all its own, for bringing the action of Government, 'into *greater harmony with the wishes and the interests of the people*' (opening paragraph of the Dewan's Address to the 1st Representative Assembly on 7th October 1881) and enabling the Government 'to receive any observations and suggestions' which 'they would wish to make in public interests' and which would '*meet with every consideration,*' on the part of the Government. Each serves its own purpose. Any attempt to bring about a co-ordination between them would only argue not only an ignorance of the fundamental principle of the Mysore constitution but also a thoughtless and a slavish copying of European forms of Government: to which they have no relation. And in thus making the Mysore constitution to be similar to foreign systems, it would seem also forgotten that the best European systems have themselves proved unsatisfactory and are being every day changed by degrees. The abolition of the House of Lords, the proposal to have a 'Unicameral' constitution are still before the minds of the people of England. After all, even the recent British *Indian* models with their system of Diarchy, etc., are declared only tentative and they are not hailed whole-heartedly by the public. We should wait and see.

5. *Taxation.*—Although under existing practice, which is more and more getting crystalized, and principles of administration, all matters of general and public importance including taxation which most affects the people, have been referred to and continued to be referred to and will be influenced by the Representative Assembly and the Legislative Council, there is nothing in the Regulation dealing with the latter, as it now stands to imply (as mentioned in the suggestions) 'that no new taxes will be levied without the consent of the Council'—when the time comes to apply the maxim 'no taxation without representation' laws can be suitably amended to give effect to it. But in matters of such transcendent gravity to the State, one cannot be too cautious. It will positively be hazardous and most embarassing, situate as we are, to enunciate any such principle at present or to make it applicable to Representative Assembly also in the form in which that Assembly is at present constituted. There can be no greater misfortune than to give up or to slight well tried constitutions and adopt systems, that are now being explored or found unfit in other countries in preference to what is best suited to Indian kingdoms.

6. In regard to budget and power of voting, it is not easy with due regard to Articles 18 and 19 of our Treaty obligations with the Paramount Power, how any devolution of ultimate 'Governmental responsibility resting upon His Highness' can be effected. It will be absolutely dangerous to the intergrity of His Highness' authority to have to be incessantly coming into conflict with the votes of two constitutional bodies such as Representative Assembly and Legislative Council would be, apart from placing His Highness in the unpleasant situation of having to maintain the administration mainly by exercising his inherent power of vetoing, which would be as irksome and inexpedient, as it is certain eventually to lead to popular

hatred, nay, even to popular revolt. The Dewan and Members of Council, tied down by the majority vote would cease to exercise their legitimate function and His Highness the Maharaja would be completely absolved from all responsibility to the State and to the Paramount Power, from following the conjoint decision of such constitutional bodies. Such, however, is not the spirit of, and is altogether inconsistent with, the system of administration now carried on by His Highness.

Further, several of the subjects suggested for transfer to vote are so intricately interwoven with British administration and some also *expressly reserved* and excluded from the purview of the present Legislative Council Regulation, *e.g.*, Railways, that it is hardly possible to contemplate when, at any point of contact or movement, friction and conflict of interests may not arise, such as in Land Revenue, Excise, Irrigation, etc.

The proviso that such departments shall not be voted upon when (1) questions jointly affecting the Mysore State and British India, and (2) contracts prior to 1st July 1922 arise, is not by itself any guarantee against untoward happenings.

The proposal, besides, under existing conditions, is premature.

7. It is said "the Power of the Legislative Council requires no extension." This is inconsistent and diametrically opposed to the prior suggestion to give them powers of voting, though limited to certain departments only, which cannot be exercised without the power to divide and pass resolutions which it does not possess even now and which have been expressly withheld from it. The opinion that "the power of the Legislative Council requires no extension," however, is sound for the time being.

As regards investing the Representative Assembly with any of the powers of the nature of the Legislative Council, the whole of its basis would have to be changed; for, as it is at present constituted for a different purpose it will not admit of the proposals made. And legislation in regard to it or for in any way affecting its strong prestige and utility would be beset with many difficulties and risks with no adequate advantage.

8. For a Legislative Council such as ours with no extension of powers, 50 is far too an unweildy number, and such a large deliberative assembly without executive authority tends more to lose its prestige and repute or develop into greater activity, hindering smooth working of the administration, than contemplated.

If any more addition is needed, it may perhaps be raised to 40 to permit of the Representative Assembly returning more of their members to the Legislative Council, and the Conservator of Forests and Agent, State Railways, may as well be eliminated, so as to give more seats for non-official members or for nomination of such members.

I.	Dewan (President)	1
II.	Members of Council	3
III.	Other official members	12
IV.	Nominated non-official members	8
V.	Members elected by primary election and returned by the Representative Assembly	16
	Total ...	40

The disadvantages of primary elections even in countries where education is far advanced are too well known. And here no more than a passing reference is tendered to the results of the late elections to the Legislative Council and to the recent municipal elections.

The Dewan should continue to be the President. There is no necessity for a Deputy President, in as much as the Regulation itself provides for the Senior or other Member of Council to preside in the absence of the Dewan.

9. Revision of the Legislative Council Rules on the British Indian models can afford to wait, as those models are just on their trial with not yet quite complimentary or genuine results. Legislature should proceed with an amount of circumspection and caution, and frequent changes and modifications only lead to unrest and suspense which is necessary to avoid.

10 and 11. Reduction of the strength of the Representative Assembly to 150 is out of question at the present moment, consistently with the admitted wish of

respecting "their history and traditions" status and influence, which they now possess in the comparatively few and frank and informal conferences at which the members represent the wishes of the people in all matters affecting the real public interests, and which would only suffer or be curtailed, by attempting to impose any restrictions on such freedom and scope, which should be more and more fostered and kept alive. In the present situation and mood of the people this popular assembly which really voices the peoples' wishes would much resent any limitation or curtailment of their constitution and it would raise a volume of unrest which it would not be easy to smoothen.

What applies to Legislative Council in regard to powers of voting and recording resolutions applies with greater force to the Representative Assembly and more high sounding phrases will not satisfy it. Ballotting under circumstances becomes unnecessary.

The Dewan should continue to preside over the deliberations of the Representative Assembly to know and appreciate the peoples' mind. For him to keep out of it, will be to reduce its utility and render it utterly futile. The Dewan (and Members of Council) should find in this popular assembly, with steadfast honesty of purpose, a rare and splendid opportunity, now that it also meets twice a year, for explaining face to face to the peoples' representatives, the general principles and policy of Government and eliciting from them untrammelled by any inelastic rules, etc., the genuine wishes of the people. That would enable him and other Members of Council, the Ministry, to direct the trend of deliberations in the Legislative Council effectively in coming approximately to decisions in all matters affecting the peoples' interests, whereon it would be the duty of the Dewan and Members of Council to tender their considered best advice to the Sovereign who could safely act upon it, rather than have to resort to his power of veto, the occasions for which would seldom arise under such circumstances.

Furthermore, even Western countries, which these "Tentative suggestions" seek to copy, labour under a great disadvantage in having merely legislative bodies. Institutions like the House of Commons, though popular, are not constituted to represent the wishes of the people in general, because of their legislative character. The need often arises for the Government of those countries to ascertain the wishes of the people, when they are obliged to have recourse to what is known as the '*Referendum*'; whereas our Representative Assembly is intended to supply this want in an appreciable measure. To eliminate this unique feature by converting it into a legislative body and to reduce its strength is not only to minimise its advantages but also to take a retrogade step.

12. Women suffrage, granted even by the mother of Parliaments only recently after centuries of agitation, and not found feasible even in the most advanced portions of British India such as Bengal where education has been more diffuse and women are more educated then elsewhere, is equally utterly premature and inexpedient at present.

13. *A non-official Member for His Highness' Executive Council.* It must be noted that what the Representative Assembly have been asking all along, from so early as 1890, is power to them to *elect* one of themselves to the Executive Council or half of its strength with His Highness himself presiding over such a Council, and not a nomination to it by His Highness. His Highness' power and scope of selection of Councillors is unlimited, and it is only a question of time and materials to be found. Declaration of such an inherent power which the Assembly know is not likely to be regarded as any concessions to them, which it is not.

Vide pages 38, 39, R. A. Proceedings 1890.
Vide pages 38, 39, 40 & 44 R. A. Proceedings 1893.

In this connection, it is just as wise to be reminded of what their own attitude and mind is. The members who raised the question of an *election* of the Representative Assembly members to the "Executive Council" in 1890 were the loudest, exhibiting a far different attitude in 1894 in their opposition, when on a requisition of the United Planters' Association of Southern India to appoint one of the Members of the Planting Community to the Council of the State Legislature (then we had no Legislative Council) the North Native Planters' Association of Mysore adopted a resolution to the effect that a Planter Member of His Highness' the

Maharaja's Council was *inadvisable.* That year's Representative Assembly Proceedings is very illuminating, though sometime has passed since then, as representing the peoples' mood and wishes which were voiced as follows:—

"Far better that a central body like Government should consult the several interests as occasion arose, through the Government Secretaries and Heads of Departments, respectively concerned with them. A Council of the kind proposed would also lead to the deterioration of this Assembly. Our prayer on the contrary is that this Assembly should live long, grow and improve as it grows. (Loud applause from the assembly." And the chorus from various parts of the Assembly was "We are all of the same opinion....."

vide pages. 31 and 32 to 35, R. A. Proceedings. 1894.

That echo should guide us in gauging the spirit of the Representative Assembly even of to-day.

Vision of honour and status is imagined to be attached to a seat in Council, and prudential considerations do not deter the more impatient and the few forward spirits from taking steps which might be repented.

The fact is, real education has yet to spread in Mysore, where enlightened leisurely class of people, such as hereditary Sirdars and large landed proprietors, commercial magnates and liberal professional leaders are, very few at present. In these circumstances it would be inexpedient and futile to be enlarging the existing institutions too frequently with no obvious benefit. Any forcing of the sure, steady and healthy growth of such institutions would be the surest means of frustrating the measures, disappointing the people and discrediting the Government policy.

14. Without therefore holding out any cut and dry proposals, and without making any commitments, a *simple* announcement, bereft of all high sounding or technical terms foreign to our constitution and too recondite even to trained minds in political philosophy, somewhat to the effect that in consideration of the sagacity and good sense displayed by the Representative Assembly, His Highness the Maharaja has been pleased to convey to them His Highness' intention to seize a suitable opportunity to appoint a non-official member to His Highness' Council, would fire their imagination and go a long way to infuse confidence in them, which may eventually lead to arrive at some satisfactory modification of their constitution in course of time.

(4)

Notes on Constitutional Reforms by Dr. Brajendranath Seal, M. A., Ph. D., dated 14th September 1921.

The Head of the State in Mysore is the Supreme Executive Head as well as the ultimate source (and sanction) of Law, subject, of course, to the stipulations contained in the Treaty with the Paramount Power.

Again, by reason of the relation to the Paramount Power, the personal responsibility of the Head of the State is impartible and inalienable. These are basic facts of the constitution.

But other factors are emerging. The incorporation of the people in the Government is seen to be essential to the strength and stability of a modern State, in internal as well in external relations.

Fortunately, these divers requirements of the situation in an Indian State like Mysore can be reconciled, though not necessarily on the lines of the British model which is the objective and goal of the constitutional advance in British India. That model is built on a plan not conforming to the plan of a State under an undivided and indivisible personal rule. A limited monarchy (in other words a Sovereignty divided between the Head of the State and the people, regarded as two originally separate elements), and an Executive Government or Ministry, responsible to the people as well as to the Head of the State, are two characteristic features of the British constitution, which point to its origin and history. The original duality has now reached a basis of unity under an arrangement under which the Cabinet (the Executive) controls the Parliament (the legislature) *de facto*, while the Parliament controls the Cabinet *de jure.* Thus it is a sort of a binary star in the political firmament, or better, an original duality evolving into a (democratic) unity.

In Mysore the problem is the opposite.—We are to preserve intact the original unity, the Sovereignty of the King as the personal symbol of the Dharma or Law. This Dharma had originally the people for its body and organs, if the King was the head or rather the arms; but the organs, the popular assemblies, had been lost, and we have been re-evolving various new organs and centres, popular in origin and composition, which will embody that one undivided Sovereignty in a variety of political assemblies and organisations. In fact, we have in this process created three such bodies, the Executive Council, the Legislative Council, and the Representative Assembly, but the last two, if not also the first, are yet only excrescent, adventitious, auxiliary, to the central personality of the Head; and must now be incorporated by being given a constitutional status in that Sovereign unity.

Neither autocratic unity, nor the loose heterogeneity of structure now existing, but a constitutional unity under the Headship, must serve as our ground-plan. The Mikado in the East, and the German Emperor (before the War) in the West, might be instanced as such Heads. The dualistic structure of a limited monarchy and a responsible Government, is or has been absent in such cases. Even where the constitutional unity, the one undivided Sovereignty, has taken a democratic (and indeed a federal) shape as in the United States, responsible Government in the technical British sense, has failed to make its appearance. In all such constitutions, the governing idea is this:—the Head of the State represents the people directly and primarily in his person, whether, as in the case of the Mikado or of a Hindu Sovereign, as the symbol of the Shinto, the Dharma or the Law, in hereditary succession and transmission, or, as in the case of the President of the United States, as the elected representative of the peoples' Sovereignty, standing in an even more direct and vital relationship to the people than the Members of the Representative Assemblies and Legislatures.

Accordingly in such a Polity, the Head of the State, whether a hereditary Ruler or an elected President, exercises, as representing the peoples' Sovereignty, a double prerogative, *viz.*, (1) in the sphere of legislation, the prerogative of ratification (including the veto, and (2) in the sphere of executive government, the prerogative of creating and uncreating the organ of Government, the Ministry. And both these prerogatives are exercised much more fully, really and substantively by such a Head than by the constitutional Head of a limited monarchy under responsible Government. The Reforms in British India, it may be noted, although aiming at responsible Government, have only brought us to a half-way house, in this matter. Based on the model of responsible Government with its implication of an original dualism, they yet trend largely towards the non-dualistic plan in claiming this two-fold prerogative in living substance and not merely as a dead formality.

Our problem then is how to embody this unitary Sovereignty of the Head in the body politic and its various limbs and organs. This incorporation with, and into, the people is necessary to the State and its Head, in an internal as well as in an external reference.

First, internally.—It is not merely that the people everywhere, in the present age have come to realise their original and originating relation to the Sovereign power,—like Padmanabha Brahma on the deep risen from his slumber at the end of the cycle to exercise his creative fiat.—it is also the governing fact that the State has now become co-extensive in its scope and jurisdiction with all life (and in all its departments), and has preserved none of those intermediary groups (*e.g.*, the village community, the guild, the five assemblies, or other associations) which served as bulwarks or buffers between the State and the individual. New forms and organs must therefore be created, not outside the State and as co-ordinate bodies as of old, but inside, and at any rate incorporated in an undivided Sovereign unity. This is as true of Mysore, as of the rest of the Native States in India, and for that matter, of the East, and in so doing the East is not imitating the West, but orientating itself to the World that has broken in upon her slumber, a mere incident in the process of social evolution in history.

Secondly, externally.—A Paramount Power on an autocratic basis, and a Feudatory State under personal Headship, go together, and can work by personal influence and reciprocity, but when the Paramountcy begins to pass through stages, few or many, of responsible Government to the peoples of British India, the people

of a Feudatory State must begin to move towards incorporation in the Person of its Head, to preserve the parity and equipoise of the political situation.

This is the fact that has arrived. The Mysore constitution cannot but take note of it. The question is how must the polity of an Indian State like Mysore adapt itself to the situation, and carry out this great incorporation, this re-incarnation of King Dharma, as one might call it, in the body of His people.

Suggestions towards Constitutional Reform.

I will take the three bodies, the Executive Council, the Legislative Council, and the Representative Assembly in order.

I. The Executive Council (or the Ministry).

This should be a small body of administrators chosen by the Head of the State, and acting conjointly as a body of constitutional and constituted advisers to the Head.

(*a*) *A small body.*—The Dewan as the President of the Council and Minister of Finance, and three other members, not more than one of whom need be a non-official. One of the three should be the Minister of Development who, even if he does not hold in addition the portfolios, as many or as few as may be convenient, of Agriculture, Forests, Irrigation, Mining, Industries and Commerce, Railways and Public Works, should be consulted in all questions of policy relating thereto. He should be a man having wide experience of development work outside the State.

N.B.—Over-elaboration of portfolios (like Multiplication of Departments and of red tape) is an evil in a State of the area, and population, of Mysore. It reduces efficiency and increases waste.

(*b*) *Administrators.*—The Ministers are to initiate, organise and direct *policy*. They need not necessarily be experts or men of business who are good as Heads of Departments.

(*c*) *To be chosen by the Head of the State.*—No election of Ministers by the Legislative Council or the Representative Assembly.

The Ministers will be constitutionally responsible to the Head, and may not be turned out by a vote of the legislature. Their appointment and dismissal will be the prerogative of the Head, but the Representatives of the people in the legislature may pass resolutions on the administration, in the nature of votes of confidence or censure, to which the Head will give such heed as he thinks fit. The power of the purse will, however, be the principal means by using which (within the limits specified below) the Representatives will bring home the ultra-constitutional responsiblity of the Ministers to the people and public opinion.

The Ministers will be members, *ex-officio*, of the legislature.

II. The Legislative Council (or Assembly).

For a State like Mysore with its relatively simple socio-economic stratification, two Chambers for a legislature are both undesirable and impracticable. This does not mean that there is no place in the constitution of Mysore for the Representative Assembly: there can be, and is, such a place, though in my opinion, not as a second Chamber of the legislature, as I shall proceed to show.

The single Chamber, then, the Legislative Council (or Assembly as it should then be called) should comprise besides the Ministers, not less than 80 and eventually not more than 100 members, representing the various groups, functions and interests in the State. The total representation should be divided between (1) the territorial groups, (2) the functional groups, and (3) the interests of the people represented by the State, to which will be added, (4) deputies from the Representative Aesembly. Thus under (1), there will be elected representatives of municipal and rural areas grouped as may be convenient or customary. Under (2), there will be representatives of different vocations, professions and interests to be elected by registered bodies, corporations and associations, which either exist to hand or may come to be organised for the purpose. In the beginning, this would be tentative and informal, but in the end, (2) would comprise agricultural manufacturing and trade interests (including planting and mining interests),

the landed and capitalist interests, professional associations of lawyers, physicians, engineers and teachers, working men's associations and labour unions, social service and welfare associations,—to which above all, must be added either under this head (2), or if preferred, under the next head (3) by nomination representatives of the interests of women (so long as the suffrage is withheld), children, depressed classes, and the dumb animals (which last, as Comte reminds us, are incorporated in the 'Great Being', La Humanite). There should be statutory provision for the registration of associations for the purpose of the franchise, with a triennial revision of the register on the recommendation of the Legislative Council (or assembly) acting on the report of a Standing Committee appointed for the work. Under (3) the Head of the State would nominate members, who shall be in part officials representing the different departments of the Civil Services in a fair and equitable proportion, and in part non-official representatives appointed by the Head to protect the interests of minorities. The importance of (4), deputies from the Representative Assembly, will appear, in connection with the outline of the scope, character and functions of that Assembly, which will be given in the concluding portion of this note.

For a good beginning, a fair share for (1) would be three-tenths, for (2) three-tenths, for (3) three-tenths, and for (4) the remaining one-tenth, of the legislature. This will give seven-tenths to elected members, under (1), (2) and (4), and three-tenths to nominated members, under (3) officials, mostly quasi-officials as they may be called, professional lawyers, doctors, engineers, etc., in Government employ, may come in under (2), but not exceeding one-third of the quota under this head. Again, under (3) we may give half to the Civil Services. Thus the officials (including quasi-officials) will not exceed one-fourth, leaving not less than three-fourths to the non-official members, if the Ministers be kept out of the reckoning. In other words, the nominated and the elected officials (or quasi-officials) will not exceed three-twentieths and one-tenth respectively, of the legislature, and the nominated and elected non-official members will not fall below three-twentieths and three-fifths respectively.

Under (1), in the present stage of educational progress in the State, I would have no direct primary election to the Legislative Council, but election by Municipalities, District Boards and similar local bodies. And for the candidate, whether under (1) or (2), for such election, I would prescribe a certain educational qualification. This is even more essential than a property qualification in a would-be legislator in any progressive modern State. Property may sometimes be a fetish, the elements of liberal education never. The revolt against both or either has one name, and that is Bolshevism. The gift of the franchise to education independently of property, coupled with a wide and rapid diffusion of education, would, therefore, no longer be an unsettling factor, but a much-needed safeguard against the universal danger of an uneducated but politically-minded proletariat.

This leads me to the question of questions for a much-distracted and much-divided country like India. Should communal or racial divisions, so far as they represent divers cultures and social traditions, be recognised as such in the popular representation? For example, it may be urged that the Anglo-Indian, the Indian Christian (Syrian, Catholic or Protestant), the Mahommadan (Shia or Sunni), the Jaina (Digambara or Svetambara), the Vaishnava (Shri or Madhava), the Lingayet, the Sahibite, the Animist, etc., belong to divers communities with divers social codes and systems of personal law, and should therefore participate in the law-making function of the body politic, which should recognise their independent status. Such a division on the basis of personal law would no doubt be a less truncated, fragmentary and arbitrary classification than the one in vogue in Southern India, of Brahmins, non-Brahmins and Mahommadans. But I would shun all such lines of cleavage. That would be nursing in the bosom of the constitutions disruptive forces which would end and could only end by subverting (and dismembering) the corporate unity of the State as well as that constitutional unity of its Head and its people which is our greatest asset and heritage.

Numbers.—We may begin with 80, in addition to the Ministers, and gradually work up to a strength of 100, following the course of cultural and economic development in the State. With 80 members, (1) will comprise 24 representatives,—(2), 24 — (3) 24, — and (4), 8. As (1), (2) and (4) will be elected, and (3)

nominated, this will give 56 elected and 24 nominated members. Again the officials, under (3) and (2) cannot exceed 12 and 8 respectively, giving a maximum of 20 out of a total strength of 80, or, counting the members of the Executive Council, 24 out of 84. There will be, in all, not more than 12 nominated officials, and not less than 12 nominated and 48 elected non-official members, in addition to the Ministers.

President of the Legislative Council.– Under existing circumstances, it may be taken for granted that the Dewan should preside, however irksome it may be to him as the President of an Executive Council, consisting of Ministers who are not responsible to the representatives of the people, to preside over the assembly of the latter in a uni-cameral legislature, which will presently begin to criticise the administration and pare down the budget. To have to advice the Head of the State to veto the enactments of an Assembly of which he himself is the head will place him (the Dewan) in an awkward and invidious position. Neither does such an arrangement very well fit in with the theory. But this cannot be helped under existing conditions in Mysore, and the British Indian precedent does not apply. I may add that it is essential that the Dewan should preside over the discussions in *the Representative Assembly*. This will bring the Government into close touch with the people, which is essential for purposes to be specified in the concluding portion of this note.

Scope and Functions of the Legislative Council.—Excluded from its purview will be matters relating to the Ruling Family of Mysore, relations with the Paramount Power, Treaties and Conventions, Military Forces, European British subjects, etc. But the Council will be empowered to pass resolutions on all other matters (except so far as they may touch on the jurisdiction or interests of the Paramount Power), resolutions in the nature of recommendations to the Government; and the Council may also pass votes of confidence or censure on the administration. It will be the constituted authority for passing all bills of law, which must receive the assent of the Head of the State. No new taxes will be levied without the consent of the Legisiative Council. As regards bills of taxation and of constitutional import, the Government will have the initiative, while amendments to the constitution must be passed by a three-fourths majority in two successive years. The Legislative Council will pass the budget, and may even be allowed to vote upon particular items, subject to the power of the Government to restore any item that may be altered or rescinded if the Government certifies that such a course is necessary in the interests of good Government and administration.

But anything in the nature of a *real financial dyarchy* by reserving some compartments of the budget from, and throwing the rest open to, the vote, however safeguarded by a three-fifths majority clause or by the ultimate saving power of the veto, would be hardly a promising experiment, without the simultaneous introduction of a dyarchy in the Government, under which the Ministers in charge of the departments thus ' transferred' to the vote, would be responsible to the House and might be replaced by the destructive critics in the legislature who would then be called upon to assume the responsibility of administering the departments. This is of course what is eventually contemplated in British India, and this is the essence of so-called responsible Government. But our constitutional advance is proposed to be chalked out on different lines And any real financial dyarchy without corresponding dyarchy in the Executive Government or Ministry may spell at times administrative ' anarchy' !

N.B.—The converse proposition, dyarchy in the Government, without financial ' dyarchy', is a maintainable one, on certain assumptions· And, of course, financial dyarchy would be more possible if the Ministry were not to act jointly as a ' cabinet' with a policy reflected in the Budget as an organic whole.

But it dees not follow from this that in the absence of responsible Government in this sense, the Government cannot put itself *en rapport* with the people and their representatives. There are many ways of achieving this result :—

(1) by the institution of Boards and Standing Committees from among the members of the legislature, with the addition of experts from outside, as statutory advisers to the Minister concerned ; *e. g.*, a Board of Education dealing with Secondary and Primary Education, a Local Government Board, a Board of Industries and Commerce, and Standing Committees of Finance and of Ways and Means, which will be consulted in the preparation of the budget ;.

(2) by the devolution of certain forms of legislation, especially of legislation by administration, to statutory bodies empowered to pass ordinances or statutes, *e. g.*, a University as a chartered corporation for matters relating to University Education and the Education preparatory thereto; Chartered Associations of registered legal or medical practitioners, etc. ;

(3) by creating temporary administrations, *e. g.*, an Agricultural Improvement Trust (including Cattle Improvement and Co-operative Credit), a Town-planning and Tenement Building Trust, etc.

All such schemes of delegation and devolution are quite compatible with the undivided and unitary Headship of the State, and these ways of expansion, these Roads to Freedom, are as open to an Indian State as to any other form of Polity.

III. *The Representative Assembly.*—Next I come to the question of the Representative Assembly and its place in the Polity. I do not think that it is practicable to convert it into a second Chamber of the legislature—*i. e.*, to secure 250 or even 150 *pucca* legislators from the people's ranks, *over and above the Legislative Council*, in the Central Government of the State in its present stage of development, cultural and agricultural !

The Representative Assembly, as it stands, can however be made to serve a vital political need which is strongly felt in most countries under representative Government to-day. The constituted central legislatures in such Governments are filled, in great part, by representatives who come in by a secondary or a tertiary election, or who are thrice removed from the spheres and interests of life they legislate upon, or whose composition does not even fairly reflect the actual balance of social forces in the country. Owing to these inherent disadvantages of representative Government by majorities, which can hardly be redressed by any scheme of proportional representative Government by majorities. which can hardly be redressed by any scheme of proportional representation, it happens that direct action by primary interest-groups or function groups in various spheres of life comes into the arena, the more so as the usual representation is, fatuously enough, only territorial, and ignores the more natural groups of social composition ; a capital blunder, which, it will be seen, has been sought to be corrected in the scheme of representation suggested above for the Mysore Legislative Council. It is also unfortunately the case that as such direct action has not been hitherto regularised (or constitutionalised), it is always revolutionary in character, and sets itself up in opposition to the Parliamentary Government or other constituted authority. The wisest course, then, under the rule of representative Government by majorities, even with such redress as proportional representation may give, is to provide for some regular referendum, obligatory in certain defined cases, or facultative (optional) in others, as under the Swiss Constitution. The Representative Assembly in this State certainly does not answer the purposes of a referendum, but so far as the Assembly is an epitome of the people, a meeting place of delegates of various groups and associations working on the principle of direct action and bound by natural ties or interests so far again as the delegates bear mandates regarding subjects of discussion, if not also regarding their representations to Government, there is much that is common to the working of the Representative Assembly and the working of a Referendum. In fact with some changes this Assembly can be made to serve, however informally, two important ends, *viz.*, the Initiative and the Referendum, which are such useful supplements and correctives to the machinery of formal constitutional representation. The delegates in centuries,—say, three hundred, to begin with,—should come from the primary assemblies and groups which constitute the body of the people and work by direct action in the sphere of their daily lives and interests. They should bear mandates regarding the people's wants, desires and grievances which the Assembly may formulate for the purposes of an initiative to the legislature. And finally they may also bring mandates regarding matters which have been referred to the people by the Government or the legislature, especially in the case of bills touching, closely and directly, the people's daily life. Such functions the Representative Assembly, properly composed and developed, can very usefully discharge and only such an Assembly can so discharge. Let us with true political vision and foresight seize this opportunity of serving the people by methods which are more direct and intimate, in their bearings on the life of the folk, than the political machinery of the orthodox Parliamentary pattern.

Finally,—Where, as in an Indian State like Mysore, the Head of the State can and does exercise the prerogative of legislation, ratifying or vetoing the collective will of the elected representatives in the legislature, the implication is that the relationship of the Head to his people is more natural and primary, more direct and intimate, than the legal, factitous and consentual relationship of the electorate and the elected ; and in such circumstances, especially in vetoing a legislative enactment, a referendum, formal or informal, partial or full, from the Head to the original source, that *fons et origo*, the vote of the people, may supply to the Head of the State the means of making his representative capacity more real, more articulate, and broader-based on the affections of the people. The corporate and constitutional unity of the Head of the State and its people will thus have two complementary expressions,—a formal and legal one in the legislature, as well as an informal and extra-legal one in the Representative Assembly.

(5)

Notes on Constitutional Reforms by Mr. J. S. Chakravarti dated 20th September 1921.

[Paragraphs in this note refer to the corresponding paragraphs of the note received.]

I do not clearly see why this fundamental principle should be laid down. Subject to reservations as regards certain subjects (those mentioned at the end of para 6) and the unfettered prerogative of His Highness of bringing into force any measure at any time, he may allow the people to govern themselves by an executive responsible to their representatives.

2. A Dewan responsible only to His Highness the Maharaja is necessary for the following purposes, *viz.*, (*a*) to be in charge of the subjects mentioned at the end of para 6, (*b*) to act as a co-ordinating officer and as President of the Executive Council, (*c*) to act as General Adviser to His Highness, (*d*) to be a channel of communication (with defined powers of referring back subjects before submission to His Highness) with His Highness the Maharaja.

But Members of Council, whether appointed from the public services or from one of the bodies of the legislature, though appointed by His Highness and holding office during his pleasure, should in practice be responsible to the legislature and should not continue in office when they have lost the confidence of both bodies.

3. *Vide* 1 and 2 above.

4. The Representative Assembly and the Legislative Council suitably developed will quite serve the purpose in view.

The object to be aimed at should be to develop the Representative Assembly as the chief element in the legislature, the Legislative Council serving as a Revising Chamber.

5. Subject always to the exercise of His Royal Prerogative by His Highness the Maharaja, no law relating to taxation or any other subject should be enacted without a majority vote of the Representative Assembly.

Except in matters taken out of the scope of the Legislative Council and vested in the Representative Assembly only, such law should require a majority vote of the Legislative Council also.

6. All budget grants except those relating to the subjects referred to at the end of para 6, should be subject to the vote of the Representative Assembly.

The Legislative Council will consider only such grants of the budget as may be referred to it by the Dewan under general or special orders of His Highness.

(Grants may be made non-votable by legislature by subjects being included under item (i) of the list at the end of para 6).

7. Ordinarily bills should be first dealt with in the Representative Assembly and come to the Legislative Council for confirmation.

In view of the Select Committee method there need be no difficulty in bills being considered by the Assembly.

In special cases, a Bill may be introduced in the first instance in the Legislative Council.

A measure requiring majority votes of both houses will not be submitted for His Highness' assent unless passed by both houses.

8. The President and Deputy President of the Legislative Council should be elected non-officials.

The Dewan will not be a Member of the Legislative Council but may address the Council.

Members of Government will be Members of the Legislative Council.

Constitution otherwise suitable.

9. No remarks.

10. Nineteen more members may be allotted to depressed and labouring classes by a rule to the effect that the extra member for large taluks should belong to these classes.

The President of the Assembly should be an elected non-official.

The Members of Government (or the Secretaries if members are engaged in the Legislative Council) will attend the sittings of the Assembly.

The Dewan will not be a member of the Assembly but may address it.

11. No remarks.

12. I think in the Legislative Council we may have lady members also. After some years in the Representative Assembly also.

13. No hard and fast rules need be laid down. His Highness may select Ministers either from the public service or from members of Legislative as he likes. The tendency should be to appoint from the legislative as far as possible.

To give the Houses some voice in the appointment of Ministers, they may be required to elect a select body of " Front Bench Members " number 10 per cent of their strength (*viz.*, 5 in Legislative Council and 15 in Representative Assembly). His Highness' selection may ordinarily be made from these members.

Members whether appointed from the public services or from the legislative, will be expected to resign on the passing of resolutions of want of confidence by ⅔ths majority (absolute) in both Houses.

General.

The Dewan, before submitting a Council or Assembly Resolution to His Highness for orders may send it back once for reconsideration on grounds to be stated by him. He may also refer any resolution or measure passed by one body of the legislature to the other. If the final opinion recorded by the two bodies on the subject agree, the point must be submitted to His Highness for orders.

By and by, reforms on these lines are introduced more Sessions of the Representative Assembly will be required and this will mean more expense. Experience in British India shows that constitutional reforms are expensive.

One important aspect of reform should be to delegate more functions to the District Boards and make them responsible for the greater part of the work relating to Education, Medical Relief, Sanitation, Agriculture, Industries, etc. The central departments in these fields should advise and exercise a limited general control (sympathetic and not obstructive or imperious) but the actual work in touch with the people should be done by local establishments controlled by District Boards. Of course along with functions, funds also should be transferred to the Boards. In Municipal areas the delegation should be to the Municipalities.

It is only by developing the local self-governing institutions on these lines and giving them real responsible and interesting work that we can educate the masses in the art of managing their own affairs and give them a wider outlook of civic duties and responsibilities.

It is also with this view of gradually educating the masses, that I propose to make the Representative Assembly in course of time the really important House of Legislature.

The functions of the Legislative Council have thus been left elastic in the constitution (*vide* remarks on paras 5, 6 and 7) so that they may be curtailed in proportion as the Representative Assembly becomes more and more efficient.

I agree however that a revising chamber like the Legislative Council will be always necessary.

To make the number of cases in which His Highness may have to exercise his prerogative as few as possible, it is proposed to give the Dewan some power of referring back questions to Houses.

No person should be a member of both the Houses of Legislature.

Proceedings of both Houses will be carried on primarily in Kannada. Members not knowing Kannada may speak in Hindi, Hindustani or English but in those cases only summaries in Kannada of the speeches will be published in the proceedings as a rule.

After some time it should be possible to appoint the Dewan from amongst the successful Ministers.

The scheme as sketched in this note may appear at first sight premature and in some respects even unworkable under present circumstances. But if the people are to get a chance of being trained, a beginning must be made and we can never begin under ideally perfect conditions in such matters. There need be no fear that if the people are weighed they will be found wanting. There are ample safeguards to prevent a break down or a dead-lock during the first few years.

(6)

Notes on Constitutional Reforms by Mr. K. P. Puttanna Chetty, dated 27th September 1921.

1. I am deeply grateful to the Government of His Highness the Maharaja for the favour they have shown me in referring the Government Scheme of Reforms for my opinion. I welcome this desire on the part of His Highness Government to forestall public demand in the matter of Reform. We are living in stirring times and the need for readjustment of political relations has everywhere been insistent. Situated as our State is, it cannot escape from the effects of the changes introduced in the British Provinces. The Government of His Highness the Maharaja are therefore, in my opinion, doing the appropriate thing in taking the necessary steps to allay public opinion in this matter. The subjects of His Highness the Maharaja cannot but be profoundly grateful to him for this further instance of his continued interest in their well-being.

2. I have carefully considered the scheme of Constitutional Reform adumbrated in the Government Memorandum I have tried to understand its underlying ideas and follow out the logical conclusions to which it may in the fulness of time lead. I have also given anxious thought to the many difficulties that naturally beset the framers of a scheme such as this, more especially when it is remembered that the conflicting claims and rights of divers parties have to be reconciled in evolving it. In the remarks I offer below, I am to be understood as suggesting nothing more than what strikes one who has for some time consistently endeavoured to take a detached view of men and things.

3. In its fundamental aspects, the Government scheme seeks to introduce no new principle of governance in our body politic. It is specifically enunciated that its object is not to introduce responsible Government, but only to extend the two existing representative institutions in it in certain directions with a view to afford them "an increasing opportunity to influence His Highness' decisions." The only reason stated for this position is that "as Mysore is under the personal rule of His Highness the Maharaja, responsible Government is not feasible here at present." This being assumed to be the basic principle, the Government scheme disclaims all desire "to create new representative institutions on British Indian models" and naturally enough confines itself to enhancing the powers and prestige of the two existing institutions, the Representative Assembly and the Legislative Council. The lines on which these are sought to be developed are indicated in paras 5 to 12 of the

Government Memorandum. In the concluding paragraph, it is proposed that one of the three members of the Executive Council may be a person selected by His Highness the Maharaja "from among members of the Legislative Council or the Representative Assembly."

4. Before considering the details of the scheme of development of the two institutions as outlined in the Government Memorandum, I would suggest for the serious consideration of His Highness' Government whether it is not high time to introduce in this State in its body politic an element of responsibility. The term responsible Government is used in para 1 of the Government Memorandum in the sense of "the executive being responsible to the representatives of the people." In para 3 of the Memorandum it is also held to include being responsible to those bodies (the existing two representative institutions) and to that extent not responsible to His Highness. Rightly conceived, responsibility is made up of both these root ideas. As the Montagu-Chelmsford Report puts it (para 215), Responsibility consists "primarily in amenability to constituents and in the second place in amenability to an Assembly." Both these elements must combine to produce Responsible Government. The questions which deserve consideration in this connection are (1) How far is responsible Government in conflict with the "Personal Rule" of His Highness? (2) Are the people of the State fit for a substantial step forward in responsible Government? (3) What exact form should this step take? I will seriatim consider these three points.

5. Now in regard to the first, the term "Personal rule" as applied to the Ruler of a "Native State" in India connotes his personal participation in the Government of the State and his control over its legislation and its administration of justice. In regard to the two latter, so far as Mysore is concerned, its Ruler has delegated, with certain reservations, his powers, to, in the one case, to a Legislative Council and in the other, to a regularly constituted Judicature with trained Judges at its head, which will bear comparison with any modern Judicature in any part of British India. As regards personal participation in the administration of the State, His Highness the Maharaja's share in it is an abiding and real one. Nobody who has the good of the country or its people at his heart will ever desire for a diminution of this, except in so far as it may make his personal position in relation to delegated matters being made on the one hand more clear and on the other more secure. The present position is one capable of misapprehension if it is indeed not altogether one of potential danger. His Highness' part in the administration is not clearly understood, with the result that there is the very real and ever present danger of his being made responsible for the acts of his Dewan and Councillors. Ministerial responsibility is not only weakened, but His Highness is made not infrequently to bear the results of popular misapprehension. This is a position which should be irksome as much to His Highness as to His Highness' Ministers. While nothing can be done to diminish His Highness the Maharaja's responsibility to the Paramount Power for the well-being of the State, much may be gained by making it clear that His Highness' Dewan and Councillors stand or fall on their own responsibility. To this end, some element of responsibility, if introduced, would render His Highness' position not only more dignified but also more valuable, both to himself and to the State as such. This would not to any extent mean a diminution in the personal powers of His Highness the Maharaja. He would still supply the vital element of personal interest to the proceedings of Government. People would still visualize in him (a person and not a mere institution or abstraction) the formal head of the Government. He would still be the great unofficial head of everything connected with the State and as such the centre of all influence, official and unofficial. He would still have the invaluable rights of his position, the right to be informed, the right to warn, and the right to refuse advice, even when tendered by his Chief Minister. As, now, all acts of State would be done in the name of His Highness the Maharaja and require his express authority. As such, he would be entitled to know exactly what he is giving his approval to. Being a permanent factor in the constitution, he would still be entitled to warn his Dewan on occasions, with all the weight of his authority, against a proposed rash act. He would, of course, not give this warning in public, for, as now he must not *seem* to overrule his Dewan. But a Dewan, unless he is an exceptionally rash person, would think many times before disregarding a warning of this kind from His Highness the Maharaja. Similarly, he could still refuse to follow the

advice of his Dewan in any particular matter affecting the State. The maxim "The King can do no wrong" would apply in such a case. He would doubtless in such a case be going against the advice of his Dewan and Council, but his right to do so could not be questioned, particularly if the act to which his consent is sought involves an actual breach of the law or something amounting to it. In such a case the principle that His Highness the Maharaja as a constitutional ruler should act on the advice of his Dewan and Council who are responsible to him for the Government of the State, would not strictly be overridden. It is a question if even so constitutional a ruler as His Majesty the King of Great Britain and Ireland cannot override the advice of his Ministers in matters of this kind. The latest opinion on the point is that he would be within his rights if he did so. Thus the responsibility of the Dewan and Council to the Sovereign would, by any change introduced by the engrafting of the principle of responsible Government, be only strengthened and not diminished. In fact one result of it would be to make the position of the Dewan and Council clear and render the Sovereign less amenable to misapprehension and attack on the part of the people. The nature of the "Personal rule" now exercised by His Highness the Maharaja being already limited by the tradition and by the setting up of a Legislature and a system of Judicature of the modern kind, it cannot be said that it is incapable of readjustment if an element of responsibility is introduced into the constitution. Nor is the conception of Hindu Sovereignty such as to militate against such readjustment. Even according to Hindu text writers, "Personal rule" has not meant absolute or autocratic rule. Kingship in India was a political office and not the sphere of power of a fortunate individual. The King was the Chief of the nation and not the owner of the territory over which he ruled. The State was for the well-being of the people, and the King held his position as the Head of the State only in so far as he was expected to further such well-being. Whatever might be the character of the monarchy on the surface, there is hardly any doubt that at bottom the relations between the ruler and the ruled were contractual. It was in return for the services rendered to the people that he received their obedience and their contributions for the maintenance of royalty. If it was the duty of the subjects to obey their King, it was the duty of the King to promote the welfare of his subjects. The conception of the King as the servant of the State was one of the basic principles of political thought in ancient India. Thus Bodhayana says: "Let the King protect (his) subjects, receiving as his *pay* a sixth part (of their income)." So also Chanakya says:—"As Kings are remunerated by the people, it is their duty to look to the interests of the State." More modern texts can be easily quoted confirmatory of this position. Indeed, this idea of allegiance and service underlying the conception of Hindu Sovereignty has its modern counterpart in the writings of T. H. Green and those who have followed up his writings in their treatises. Autocracy to the extent of "Governing wrong" was not thus recognized even in the earliest days. Though the King in India has been invested with something like a divine halo, he has never been allowed to claim "divine right" to "Governing wrong" which the Kings of Europe in the middle ages claimed. Historic instances can be quoted to show that the King in India was not beyond the law, recognized as such, nor, if he was to be reckoned to be a good ruler, beyond the control of public opinion. Thus both theory and fact unmistakably show that the King's "Personal rule" was largely limited by law on the one side and by the theory that he was to promote in every way possible the well-being of the people committed to his charge. The development of polity in Mysore as a Hindu State has gone on the lines sketched out above and modern practice and procedure have strengthened the root ideas of the Hindu theory. In this view, it is my settled conviction that the introduction of an element of responsibility in the present State constitution would not bring it into conflict with the "Personal rule" of His Highness the Maharaja. Much less would it to any material extent render incompatible that rule to the interests of the Paramount Power.

6. I now come to the second question—Are the people of the State fit for a substantial step forward in responsible Government? This does not require any elaborate answer. Mysore has during the wise and beneficent rule of His Highness Chamarajendra Wodeyar of happy memory and of His Highness our present beloved Sovereign made admittedly good progress. The people have had high ideals placed

before them and the advance made so far by them has earned for the State the coveted distinction of the model Indian State. Its proximity to advanced British provinces, its rapid assimilation of western democratic ideals, its long enjoyment of representative institutions have rendered it peculiarly fit for a step forward in constitutional advance. That step should be, it is needless to state, in keeping with its progress, the aspirations of its people and the general advance that adjacent Provinces like itself, in a more or less same degree of progress, have recently secured unto themselves. Such a step cannot but be one closely allied to responsible Government of the kind given effect to in British India. To be brief, it may be stated without fear of serious contradiction, that the people in this State are not likely to be satisfied with anything less than responsible Government of some degree introduced into their constitution.

7. This brings me to the third point—what exact form should the sustantial step forward take? I have just pointed out that the need for imparting an element of responsibility to our constitution is manifest. The Government scheme falls very much short of this. It is therefore open to the serious objection that it will fail of its purpose. It will disappoint popular expectation. It will, I think, render Government more and more difficult in the days to come. What is required is not a tinkering with this great problem, but a statesmanlike grasp of the present situation and the evolving of a scheme that might stand the test of time and render progress on sound and constitutional lines possible. Such a scheme can, in my opinion, be easily evolved and that quite in conformity with the position of His Highness as "Personal ruler." The general lines on which such a scheme would proceed would be somewhat as follows:—His Highness the Maharaja's position to be clearly distinguished from that of the Dewan and the Council. The power of veto to be reserved to His Highness the Maharaja and questions may be reserved to him as well under certain circumstances. All questions affecting matters pertaining to His Highness as such and such other matters as are included in the list with which para 6 of the Government Memorandum concludes may be taken out of the subjects to which popular control can extend. In regard to the latter, His Highness the Maharaja's Government might divide them into two categories, reserved and transferred, one being administered by the Dewan and two Councillors and the other by two selected Ministers (who are members of the Legislative Council or Representative Assembly) nominated by His Highness the Maharaja. The Legislative Council and the Representative Assembly to be remodelled generally as proposed in the Government Memorandum, but care should be taken to make them more strictly bicameral than has been actually attempted in the Government scheme. The Representative Assembly should meet at shorter intervals and more often and either at Mysore or Bangalore. The Legislative Council should approximate to the position of the upper Chamber. The Government should give a larger non-official majority to both bodies, power to nominate being strictly limited. The whole budget should be voted on, power to certify on the reserved part being given to the Dewan and Council. Taxation to be entirely subject to the control of both bodies who should be non-officials and the Dewan should have no connection with either of them. He could address them singly or in joint session. He could send messages to them. The first Presidents may be nominated, but subsequent Presidents should be elected by the bodies themselves. The question of electorates will have to be determined carefully in regard to both. Separate Committees should be appointed to settle this matter which is a most important one. Sex disqualification to be removed as proposed. The right to ask supplementary questions should be given to both of them. As regards resolutions, they should be binding within certain limits. Generally speaking, the powers granted should be as far as may be analogous to those enjoyed by similar institutions in British India under the new Government of India Act. Some time limit seems called for for making further changes. This may be settled after deliberation. In any case a scheme must be worked out and placed before the public for consideration. In the light of the criticism offered it might be suitably amended and finally adopted. In present day circumstances, this seems the best course to adopt.

8. I now turn to the Government Scheme. The Scheme as I have said, does not go far enough. Even in what it seeks to grant, it lays down restrictions of a wholly unnecessary character. One member of Council from non-official ranks is

sought to be added. Two non-official members are called for and not one. The Dewan and one official member of Council with two non-official members chosen by His Highness the Maharaja from members of either representative bodies might better appeal to the public. It would be more economical as well, provided it were made clear from the start that the non-official members are to be content with smaller emoluments. The disparity in salaries in this State is not likely to be great in any case as in British India. Still it is my belief that high salaries should be discountenanced from the beginning. The bicameral character of the institutions should be made clear; the scheme leaves much to be desired in this. It is meet and proper that the Dewan should have nothing to do with either body as President. It is best to leave them to be presided over by their own unofficial Presidents. It would help him much if he did so; for he could then take a more detached view and appear to decide more impartially as between conflicting claims and interests. The non-official majority in the Legislative Council as proposed is not quite appealing; it should be larger. The Representative Assembly to be remodelled more carefully than is attempted to be done in the Memorandum. Resolutions passed by both bodies should be binding unless vetoed by His Highness. The Representative Assembly should have its powers defined by a proper statute. Both bodies should have power to vote the whole budget though power may be taken as under the Government of India Act, to certify any item vetoed. There is no provision for supplementary questions. This must be provided for.

9. I feel I cannot close this part of my opinion without a word of caution. The Government scheme confines its scope of advance strictly to influencing Government's decisions on particular matters and not to bestowing a certain share of the governance itself on the people's representatives. With the enlarged Legislative Council and Representative Assembly it will give wider power of criticism to them. Barren criticism will make, as it is bound to make, the Government unpopular. That was the fate that overtook the Minto-Morley Councils. It is likely to encourage those very "habits of irresponsible criticism which have been the bane of the Minto-Morley Councils and from which it is our aim to escape." So wrote the authors of the Montagu-Chelmsford Report. This is a contingency that should not be overlooked. When an attempt is made to improve existing conditions, let it be made in full view of the facts. Any healthy reform that is worth its name must conform to three cardinal conditions: (1) it should be real reform, and must not be put out of shape and substance by too many safeguards, checks and counter-checks. This is a canon of moral strategy. Reform in a word should not be afraid of itself. (2) Any scheme of reform proposed should bear some relation to the past, but should not be obsessed too much by it. It should be a real development from out of it, but blessed with the seeds of Statesmanship. (3) Any scheme of reform that can hope to reach maturity must fit in with the general administrative system of the country. The administrative system of Mysore—of indeed all India—is built upon the debris of ages and it will not do for us to go against it. The Government Scheme errs in not fulfilling the first condition above noted. The second is remembered but too much so, it is to be feared. As to the third, the changes proposed in the scheme fairly fulfil it, but it would not be worse if it went a little more in the direction of democratising at the top.

10. I have set down above what seems to me to be the best in the interests of the State. The step that His Highness the Maharaja is now taking will be reckoned as another milestone on the road of progress. If His Highness' august father Sri Chamarajendra Wodeyar Bahadur laid the foundation for Representative Institutions in the State by the founding of the Representative Assembly, His present Highness, our beloved Sovereign Ruler, will have raised the superstructure firm and secure on it. Mysore, long reckoned as a progressive and "Model" State will, under the new conditions, continue to win for herself the fair name and reputation that has always been hers.

(7)

Notes on Constitutional Reforms, by Rao Bahadur Mr. M. C. Rangaiengar, dated 27th September 1921.

I. Existing conditicns obtaining in Mysore.

The people are essentially conservative. The past history of Mysore teaches that the necessary and desirable reforms whether social or political should be introduced cautiously and gradually. The country is not prepared for sudden and large reforms. The educated persons are few and far between in all communities. However praiseworthy their aspiration may be, the best interests of the body politic as a whole require steady and gradual advance in the democratization of the administration on strictly national and traditional lines, without impairing even in the slightest degree the inherent powers, prerogatives and responsibilities of the Sovereign. Ever since the Rendition, Mysore has had the good fortune and the inestimable blessing of a succession of Rulers who while fully alive to the obligations of their high position and administering the affairs of State in a spirit of enlightened and benevolent autocracy have yet had the generosity to broaden the basis of the administration by establishing popular institutions, by giving to the people a voice in public administration, by creating scope and opportunity for the people to acquaint themselves with the policy and acts of the Government and for offering their views and criticisms thereon for the consideration of the Government, and by associating the intelligentsia of the country in the important department of legislation.

Thus His Highness the Maharaja has to a marked degree sympathized with the natural and reasonable aspirations of his subjects and most unselfishly imposed a corresponding amount of restriction upon his own high prerogatives. This is not only consonant with the spirit of modern times, but also is strictly consistent with the dictates of our ancient Dharma Sastras and with the laudable practice of the most famous ancient Kings.

The various local bodies such as Local Boards and Municipal Councils which are interspersed throughout the State are designed to create and foster the civic conscience of the people. The University is calculated to impart higher education and culture. The Economic Conference aims at the development of the material resources of the country and the promotion of sciences and arts. In the purely political sphere two bodies have been established for the purpose of affording opportunities to the people to gain training and experience in the administration of the State. It goes without saying that all the institutions named above admit of considerable improvement. The most advanced section of His Highness' subjects have for sometime past been more or less keenly feeling that the time has arrived for His Highness to take one or more further steps in admitting the representatives of the people to a larger share in the administration and investing in them a certain amount of real and effective power and responsibility.

It is undoubtedly a matter for congratulation that actuated by identically the same desires, His Highness the Maharaja graciously wishes to move in the same direction.

The Representative Assembly has been in existence for four decades, and though it has more than justified its existence, still it must be admitted that its voice is not sufficiently effective. The reasons for its ineffectiveness, in my humble opinion, are—

(*a*) Unwieldy strength in members.

(*b*) The rather low level of mental equipment of a considerable section.

(*c*) The unduly large numbers of subjects brought up for discussion at each Session.

(*d*) The incapacity to appreciate the difficulties of the Government and to realize the duties of the subjects individually and collectively.

(*e*) Undue curtailment of the right of interpellation.

(*f*) The fact that rightly or wrongly it is generally understood that the Representative Assembly is merely a body of " Licensed Petitioners " without a well-defined provision for enforcing upon the Government the considerations, of, if not the compliance with, its views, suggestions and criticisms.

The Legislative Council has since its establishment fifteen years ago, been doing good work, but only in the field of legislation. Its present disabilities are :—

(*a*) The meetings are held at irregular intervals at the pleasure of the Government and are not sufficiently frequent;

(*b*) Undue curtailments of the number of interpellations and resolutions.

(*c*) Inability to move resolutions on the budget and to divide the Council thereon.

II. With these facts before me, I proceed to offer my views on the tentative suggestions formulated by the Government. They are, I rejoice to acknowledge, conceived in a spirit of large and beneficient liberalities creditable alike to our gracious Sovereign and his enlightened Government.

III. I entirely agree that the form of responsible Government in Mysore must be different from that in British India. The circumstances in which Mysore finds itself politically do not admit of His Highness the Maharaja divesting himself of his ultimate authority in the administration.

IV. The Dewan and Members of Council should certainly continue to be responsible to His Highness, and will hold office for an initial period of three years or during the pleasure of His Highness. Provision should be made for the Popular Assembly and the Legislative Council to influence the decisions both of the Government and His Highness, rather than rendering the Members of Government responsible to the Representative Assembly and the Legislative Council.

V. There is no need at present to create any new and additional bodies for this purpose. The Representative Assembly and Legislative Council may be suitably remodelled, reorganized and strengthened. The direction in which such processes may move is :—

(1) *In the case of Representative Assembly* :—

(*a*) Substantial reduction in the number of its members, so as to make it possible in the present condition to secure the active and whole-hearted co-operation of intelligent and competent persons.

(*b*) Limiting for the present the maximum number to 150.

(*c*) Provision for extending the right *to vote* by lowering the property qualification and by removing sex disability.

(*d*) Provision for securing capable persons to the Assembly by raising the property and literary qualifications of the *candidates for election.*

(*e*) Providing for primary election in all cases excepting special interests such as the University, Chamber of Commerce, Planting and Mining Communities and Depressed and labouring classes.

(*f*) Only in the case of the depressed and labouring classes, I would suggest that for sometime to come the system of nomination or election by suitably constituted electorates may be introduced.

(*g*) No new tax or assessment should be levied nor existing ones enhanced without the approval of the Representative Assembly.

(*h*) The Representative Assembly should be accorded the right to move resolutions on the budget for the consideration of the Government and on all other matters of public interest.

(*i*) The main principles of every new legislation should be placed before the Representative Assembly for discussion and opinion either before it is introduced in the Legislative Council or after it is passed by the Legislative Council but before the Bill receives His Highness' assent. All Bills relating to the imposition or enhancement of taxes and assessments should invariably be introduced in the Representative Assembly in the first instance; and after they are passed by the Assembly they should go before the Legislative Council.

(*j*) The Representatives of His Highness' subjects deserve and ought to be accorded a higher status than at present in State Durbars, etc.

(*k*) The restrictions on the number of interpellations should be removed.

(*l*) The Representative Assembly is at present a body constituted by an executive order. It is desirable that it should be constituted into a statutory body with duties, power and responsibilities clearly defined.

(*m*) For sometime to come the President of the Assembly should be the Dewan. But the Deputy President should be a non-official member of the Assembly who for some years to come will be nominated by His Highness and later on will be elected by the Assembly.

(2) *In the case of the Legislative Council* :—

(*a*) The number may be raised to fifty.

(*b*) The Dewan and the Members of the Executive Council will be *ex-officio* members.

(*c*) Fourteen other official members.

(*d*) Six non-official nominated members.

(*e*) Twenty-six elected members by direct primary election :—

Four for Mysore District.
Four for Bangalore District.
Three for each of the other six districts.

(*f*) The qualifications of the electors to the Legislative Council may for some years to come be higher than those of the electors to the Representative Assembly.

(*g*) Fairly high qualifications especially an adequate degree of proficiency in English enabling intelligent participation in and understanding of the debates and discussions should be insisted upon in the case of candidates for election.

(*h*) The rules for the conduct of business may be framed on the lines of those in force in British India with such modifications as local conditions may require.

(*i*) Restrictions on the number of resolutions and interpellations should be removed.

(*j*) The approval of the Legislative Council for the imposition of or enhancement of taxes and assessment should be made necessary.

(*k*) In the event of a difference of opinion between the Representative Assembly and the Legislative Council regarding taxation, the decision of the Representative Assembly should prevail if and when the Representative Assembly at the next Session confirms its own former decision.

(*l*) The Dewan will be the President of the Legislative Council.

(*m*) The Deputy President should be a non-official member of the Legislative Council nominated by His Highness till such time as in the opinion of His Highness the office can be thrown open for election.

VI. To summarise the above suggestion:—

1.	Para 1 of the tentative suggestions.			I entirely agree.
2	„ 2	do	....	I agree, but I would suggest for consideration whether it is not expedient to fix an initial period of three years for each of the officers.
3	„ 3	do	....	I agree.
4	„ 4	do	....	I agree, subject to the suggestions made in para V (1) above.
5	„ 5	do	....	I agree.
6	„ 6	do	....	I agree, subject to the following modification, *viz.*, the majority of $\frac{3}{5}$th in the Legislative Council is much too high. Out of 50 members a $\frac{3}{5}$th majority means 30. There are 26 elected and 6 nominated non-official members. Practically *all* these will have to agree in voting to secure the required majority. It is not probable that so many will agree together; to insist on such a large majority will be equivalent to a virtual

				denial of the privileges. A simple majority is enough. In the Representative Assembly which is entirely an elective body of 150 members, $\frac{3}{5}$th majority is not unduly large. When a resolution or a modification has been passed by the Representative Assembly with such majority there is no good reason for insisting upon a high $\frac{3}{5}$th majority in the Legislative Council. Even a simple majority's vote in the Legislative Council if it coincides with the $\frac{3}{5}$th majority of the Representative Assembly ought to be binding on the executive, subject of course to the veto of the Sovereign.
7	„ 7	do	....	I agree, subject to the suggestions made above, para V (1).
8	„ 8	do	....	I agree subject to the suggestions made above in para (V) (2).
9	„ 9	do	..	I agree.
10	„ 10	do	....	I agree subject to the suggestions set forth above in para V (1).
11	Para 11 of the tentative suggestions.			I agree.
12	„ 12	do	....	I agree to the franchise for the Representative Assembly being widened in so far as the voters are concerned, but not in so far as the candidates for election are concerned. In respect of the Legislative Council I am of opinion that the qualifications of the voters should be fairly high, and those of the candidates for election should be higher still as set forth in para V (2) above. In respect of *voters*, I agree that sex disqualification should be removed.
13	„ 13	do	....	I agree.

(8)

Extract from the Address of the Vokkaligara Sangha at the Dasara Session of the Representative Assembly.

8. Sir, the one matter to which the people are looking forward with eagerness is the announcement on the Constitutional Reforms in Mysore which you were pleased to state at the last Legislative Council were under consideration. Whatever may be the contemplated reforms, we pray that full opportunity may be given to the public to discuss them and earnestly hope that the legitimate aspirations of the people for a real and substantial share in the administration will be satisfied. Responsible Government is a panacea for many of the administrative evils. The success of the reforms in British India has produced an added desire among the people for similar reforms here who feel they are in no way worse qualified than their brethren outside, and we trust that the Government will formulate the measures in a bold and generous spirit, taking the people fully into their confidence. There is none more worthy of inaugurating these reforms than you, Sir, and it would not only be a logical extension of the progressive policy the Government have so far adopted, but also a splendid example to the other sister States in India.

(9)

Notes of Discussion at the Dasara Session of the Representative Assembly, 1921.

SUBJECT NO. 95.

Responsible Government and Constitutional Reforms.

Messrs. C. Vasudeva Rao, Chikmagalur Taluk; Hosakoppa Krishna Rao, Koppa Taluk; S. R. Balakrishna Rao, Shimoga Taluk; H. Shama Rao, Honnali Municipality; H. Krishna Sastry, Krishnarajpete Taluk; C. Narasimhaya, Heggaddevankote Taluk; N. Rajagopalaiyengar, the Bar Association Mysore, and S. Krishnaswami Rao, Mysore Taluk.

Mr. H. Krishna Sastry.—Responsible Government has, to some extent, been introduced for the whole of British India. Our State being surrounded by British territories, the subjects of the State will be influenced by democratic ideals. I put an interpellation in this Assembly some time back on this subject. I pray that early steps should be taken to introduce Responsible Government in the Mysore State. All around the State they are discussing about this subject and naturally we are also influenced by it. Our beloved Sovereign, His Highness the Maharaja, intends, we have no doubt, to grant us an increasing share in the administration of the country. I need not enlarge now on the exact manner in which Responsible Government is to be granted. But I may say that, as a first measure, resolutions on the budget should be permitted in this Assembly and in the Legislative Council. Responsible Government has no existence in the absence of this privilege. The main principle is that the Government must be carried on in accordance with the wishes of the people as a whole. Then the question arises: Will His Highness have any power left to him at all? Well, it is too well known that unless a bill receives His Highness' gracious consent, it cannot become law; His Highness is the fountain of all authority. In general terms, therefore, no resolution need be valid without His Highness' approval. This is what we mean by Responsible Government. We do not ask for an introduction here *in toto*, of the reforms introduced in neighbouring provinces of British India. They will have to be adapted to our own particular conditions. My main prayer is that a non-official committee may be formed to submit a scheme recommending the desirable reforms to be introduced in the State on the lines of the reforms in force in British India.

The member then described briefly the various steps taken in British India, in connection with the recent reforms and added:—Government, indeed, is a trust and while making our request we do not fail to bear this in mind. Consistent with our status and ability, the request may be granted. If, Sir, the representation is reasonable in your opinion, then we pray that this may be submitted to His Highness for gracious consideration together with such recommendation as you may be pleased to make. If permitted we are prepared to submit suitable proposals.

You will also observe, Sir, that in Chapter X of the Montagu-Chelmsford Scheme they have said that they must not forget the possibility of the subjects of Native States who form one-fourth of the total population of India asking for similar reforms, should these be introduced in British India itself. This serves as an evidence to show that this is but a legitimate ambition on the part of Indian States. And three years ago, Sir M. Visvesvaraya said "The future prosperity of the States is closely bound up with the manner in which the common interests of the Empire are administered and it is of the highest importance to them to secure an adequate voice to safeguard their interests in the new constitution." With these few remarks, Sir, I pray that the question may receive the sympathetic consideration it deserves and that we may be permitted to submit our proposals on the subject.

Mr. Vasudeva Rao.—At one of the meetings of the Legislative Council you were pleased to say some very significant words which embolden us to take part in the discussion on this subject:—

"In connection with the discussions on the budget it was inevitable that some of the members should refer to the question of a larger participation of the people in the responsibilities of Government. I need hardly say that the progress of constitutional reforms in British India is being closely followed by His Highness' Government and I may say that the inauguration of measures of constitutional

reforms on lines adapted to our requirements and conditions is a matter which will receive our earnest attention."

I only beg to bring these lines to your kind notice.

Mr. K. T. Seshaiya.—Sir, last year this subject was disallowed, but it has been allowed this year. We are therefore thankful to the Government for having given us scope for discussing this all-important question. I do not expect that our representation will be sanctioned to-day, and that members here will be Ministers to-morrow. Before I submit my views on the subject, however, I wish to make a reference to what some of my friends in this Assembly have said. Because some of us discussed the merits of the order on the Miller Committee Report, we have been called disloyal. Now, 'disloyal' is the most abusive term that I know of. We did not object to the expression then and there, hoping that the President would do the needful. But unfortunately the remark was not noticed by the chair. If discussing an order of Government involves disloyalty, asking for constitutional reforms may be styled as something much worse. I wish to make myself clear, therefore, before submitting my views on the subject on hand, that it is not my idea in the least degree that His Highness' exalted position should in any way be affected. On the other hand, I regard His Highness, as every one else does, as God on earth and firmly hold that he is above all law and above all constitution, and he is the divine head of all things. But I would differentiate between Government and His Highness. Whereas Government is bound by rules, His Highness is not, so that when I ask for changes in the Governmental methods, I must not be understood as referring to His Highness.

History provides ample instances to prove that without Responsible Government progress is impossible. In the neighbouring British provinces this exists. It is a necessity in Mysore also if Government should be efficient.

Third Member of Council.—May I know what your conception of Responsible Government is?

Mr. K. T. Seshaiya.—My idea of Responsible Government is, in the first place, that subject to any percentage that may be fixed, the resolutions passed by this Assembly must be binding on the Executive, subject of course to the veto of His Highness the Maharaja. We do not ask that we must be given control over all Government departments now. In the beginning we may do what the British Government have done in the matter and control over a few departments alone given. A committee may be appointed for the purpose of taking evidences in all parts of the State, and the needful may be done next. What we want immediately is that the principle must be accepted.

Mr. Karnick Krishnamurthi Rao.—The previous speakers have practically exhausted the subject. I only beg to add that the principle has already been accepted by His Highness' Government when organizing taluk and district conferences with a view to enable the people taking a keener interest in Governmental matters. As kindly permitted last year by you I have submitted a draft scheme and it may be considered early and needful done, if found practicable, before the Conferences are next held. Suitable reforms will however have to be introduced.

Mr. C. Narasimhaiya.—Though I have not much to say on this important subject of constitutional reforms the Third Member's question as to what our view of responsible Government is, prompts me to say a few words. We must notice the difference that exists between the relationship of the people to Government in British India and the relationship of the subjects to His Highness in Mysore. The Responsible Government which we want here is not what those in British India are given. Here the Members of Council discuss important matters, which, if necessary, pass through the Legislative Council and the Representative Assembly, and then receive the gracious sanction of His Highness. But the power to veto is vested in him and we have not a word to say against it. But with a view to ensure efficiency of administration it is well that people are given better facilities for the expression of their own free opinions. The source of opinion is only one now, that is, the Council. If the reforms are granted, His Highness will have before him a variety of views and all sides of a question will thus be presented before a decision is arrived at. In these circumstances the request deserves sympathetic consideration. I will confine my remarks to the State Executive Council, the Representative Assembly and the Legislative Council. In regard to the first

we pray that a non-official member may be appointed to represent the people's view. Some more powers should be conferred on the Representative Assembly, that is, it must be empowered to vote upon questions like taxation. In the initial stage of any proposed legislation it must first come before the Representative Assembly and if a prescribed majority are agreeable, then it must be referred to the Legislative Council. Should it be referred to a Select Committee, the proposed legislation must again come to the Assembly after the Select Committee stage and only then be promulgated into law.

Also, just as local bodies have power to pass resolutions on matters concerning them, the Representative Assembly too may have similar powers: And when a prescribed majority passes any resolution it must be binding on the Council.

The relationship between the Representative Assembly and the Legislative Council should be settled, *i.e.*, Government must consider whether the two bodies should deliberate jointly or separately as at present. The Assembly is purely a non-official body so that discussion here and in the Legislative Council are two different things. And whenever an important measure is to be passed the opinions of Government and the non-official members of the representative bodies, respectively, must be ascertained and submitted to His Highness for orders.

These, in short, are the changes that I would pray for under 'constitutional reforms.'

Mr. M. Venkatakrishnaiya.—The seed of Responsible Government was sown in this State on 25th March 1881 when the Order of His Highness the late Maharaja issued, expressing a desire to establish a representative assembly of the people whose opinion in governmental matters as a whole was necessary. This Assembly has been the political school of the people in Mysore. When Sir M. Visvesvaraya witnessed the discussions in this Assembly for the first time, he remarked that some members of the Assembly were equal to the best Parlimentary debaters and he thought that members as a whole were very intelligent here. Forty or fifty years ago our people had no desire to take any interest, for instance, on matters relating to the public, but education has done much to create in us fresh ideas The seed of Responsible Government, thus, was laid more than forty years ago and we are closely following that headline ever since. What does Responsible Government mean? Well, the people have difficulties of their own and in order that their life, property and honour may be protected, they pay Government, part of their earning as *kandayam*. His Highness, as Mr. Seshaiya said, is our God and you are his representatives. Our responsibility is to pay *kandayam* and your responsibility is to spend it in the best manner possible, to ensure the prosperity of the State. So that under a scheme of Responsible Government, we submit our wants to you and you protect our interests. This mutual service is what constitutes Responsible Government. Several eminent men under the Government of India, have expressed themselves on this subject and politicians have discussed the several schemes that went up to Government; and to whatever extent these can be adopted to our State, consistently with our conditions, you may recommend their adoption at an early date, and earn the lasting gratitude of the people.

Mr. Karnic Krishnamurthi Rao.—I beg to add only a word to the previous speaker's remarks that Responsible Government is that under which we have the power to spend the tax that we pay.

Mr. B. N. Vijaya Deva.—I beg leave to observe that this is the most important subject ever discussed in this Assembly during the past two years. The orders on the Miller Committee, the question of Women's Franchise and the proposed levy of the education cess, elicited much debate, but this subject outstrips all others in importance. The one conclusion that this fact enables us to draw is, that we are progressing at a rapid rate. My friends in the Legislative Council have urged similar prayers and you have been pleased to say, in reply—

"In connection with the discussions on the budget, it was inevitable that some of the members should refer to the question of a larger participation of the people in the responsibilities of Government.....and I may say that the inaugwration of measures of constitutional reforms....will receive our earnest attention."

But we must not be over-hasty. In British India, the working of these reforms are being carefully watched and how far they are workable and useful there, wil

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have to be seen before we do anything in this State. There is no doubt that these reforms have been introduced with the best of intentions and to promote India's greatest interests. But our Government is a good Government and in order that it must continue to be so, it is worth its while to first see the actual working of the reforms in British India and then introduce the changes here. In regard to the fact that when they are granted in the neighbouring British provinces, it will be our natural aspiration to ask for similar reforms, there is not the least doubt, but Government, in my opinion, would be well advised in waiting for sometime and we would also do well not to press the matter just at present.

Mr. Hutchveere Gowda.—I beg your kind permission to submit that we are more concerned with matters like rainfall and seasonal conditions than with constitutional reforms which we do not require just for the present. I would request my friends to patiently wait till the Akshaya year is over. Important questions such as Responsible Government would be more timely then than now. At present we must confine ourselves to submitting to Government our various grievances and the present famine conditions. This was intended essentially as an Assembly of raiyats and not an Assembly of lawyers.

Dewan.—But forty years have brought about some change.

Mr. Hutchveere Gowda.—True, Sir. But for the present, we shall rest content with what has been given us.

Mr. Abbas Khan.—The subject on hand is of grave importance and it is worth the while of our Government to appoint a Committee to report on the extent to which the reforms introduced in British India may be adopted here and in what ways the privileges already conferred on us may be improved.

Dewan.—We will consider the matter.

Mr. T. Narasinga Rao.—If a continuity of policy is to be ensured, democratic form of Government is essential. With each Dewan come many changes and if, for instance, the order on the Miller Committee Report should have permanent effect, Responsible Government is necessary.

Dewan.—Policies must of necessity change with time.

Mr. C. Rasul Khan.—We are not competent to discuss this subject. Government themselves must consider and do the needful.

(10)

Extract from the Dewan's concluding remarks at the Dasara Session of the Representative Assembly, 1921.

In regard to the important question of constitutional reforms which was discussed this evening, I may say that while sympathising with the natural aspirations of the people in this matter, the Government feel that this subject cannot be rushed. Conditions in Mysore are not on all fours with those in British India and it will not do merely to copy what is considered suitable for British India. The question of adopting measures for giving the people an increasing share in the administration is engaging the earnest attention of the Government. The views of the Assembly as indicated in the discussions to-day will be submitted to His Highness the Maharaja for his gracious consideration, and I trust it will be possible to evolve a scheme of reforms which may be placed before the Assembly for discussion when we meet next.

(11)

Notes on Constitutional Reforms by Mr. P. Raghavendra Rao, B.A., B.L., Member of Council, dated 25th November 1921.

In the consideration of any scheme for Constitutional Reforms in Mysore, its past history is a factor which has the strongest bearing upon it. As such, it will be interesting to briefly recapitulate it. But, before entering into this recapitulation, there are one or two observations which I feel called upon to make. They are (1) what is meant exactly by the expression 'Constitutional Reforms in Mysore'

and (2) what bearing have the Constitional Reforms recently introduced in British India upon the State?

Taking up the latter first, the point which strikes one is the dissimilarity in the conditions prevailing in the two areas. In British India up to 1858, the administration was carried on by the officers of the Honorable the East Indian Company's Service. Since the Administration of India passed to the Crown in that year, on the Company ceasing to exist, there is, at the Head of Administration, the Governor-General of India in Council who is also the Viceroy. The Governor-General in Council is responsible to the Secretary of the State in Council for the administration of India. The various Provinces in India are administered either by Governors appointed by the Crown or by Lieutenant-Governors or Chief Commissioners on the recommendations of the Government of India.

It was not till the eighties, however, that the people of the country were given any voice in the administration of the country. It was only then that Local Self-Government was granted to the people of the land. Since then the part taken by the people in administration has increased steadily till to-day when there are Indians. holding appointments in the Secretary of State's Council, the Viceroy's Executive Council and in the Executive Council of the various Provinces. There are also Ministers elected by the representatives of the people. In this way, the people of the land have acquired a larger voice in the administration of their land. At present, the administration of the country is, to an appreciable extent, left to the representatives of the people, and as such the administration is, to a certain extent at least, responsible to the people as distinguished from the Secretary of State and the British Parliament to whom alone there was responsiblity in the past. In Mysore, however, the State has all along been ruled by indigenous Sovereigns, though for a period of 50 years in the last century, the administration was conducted by British Officers on behalf of the Maharaja. The Maharaja has always been one of the people and so also have been the officers in the main. Unlike in British India, there is not an alien element which conducts the administration and is not responsible to the people whom it governs, but only to the Government which appoints it. As such, it seems to me that the term Responsible Government as understood in British India is inapplicable to Mysore, or, for the matter of that, to any other Indian State. The Constitutional Reforms, if any, which are required in Mysore, must, therefore, be considered not from the point of view of British India, but, differently. In Mysore, it is the Maharaja that is responsible for the administration of the State through his officers, and the people, in their turn, look upon him for the proper administration of the country. In these circumstances, it does not appear to be of any practical use to consider the question to give the people of Mysore a form of responsible Government from the standpoint of the reforms recently introduced in British India.

After the fall of Seringapatam in 1799, Soverignity was restored to the representatives of the previous Hindu Dynasty, but as he happened to be a minor at the time, the State was administered by an Indian Dewan, who acted under the advice of the local representatives of the paramount power, who was himself directly responsible to the Viceroy. For a period of 20 years after the minority was over, the State was ruled by the Maharaja. For reasons which need not be gone into here, the administration was then taken over by the British. This British Rule of the State lasted for full 50 years. At the end of this period, it was handed over to the son of the previous Maharaja. It is needless to add that this was the Historic Rendition of March 1881, when the State was handed over to be ruled by His Highness the late Sri Chamarajendra Wodeyar Bahadur of revered memory. As was to be expected, during the period when the State was under the British Administration, the officers at the top, as well as the Heads of Departments and Districts were invariably British Officers, though, about 12 years before the Rendition took place, Indian Officers were, for the first time, selected for the Headship of the Districts. After the Rendition, the policy of filling up all the responsible officers by suitable Indians has been steadily pursued till now, *i. e.*, 40 years after it, the number of imported officers is an extreme minority. In this way, the administration of the State has been entrusted to officers selected by the Maharaja from the people of the land. At the time of the Rendition in 1881, a Council was also constituted to help the Dewan in the administration of the State, but it was more consultative than executive. Owing to various circumstances,

the powers of this Council have been modified and enlarged from time to time, and now, it is an Executive Council. Soon after the Rendition of 1881, it was considered that it would be in the interests of the State to have an assembly of the representatives of the people so that an opportunity might be afforded to them to submit their representations and grievances to the administration. This was the beginning of the Representative Assembly in Mysore. The powers of the Representative Assembly though constituted only under an executive order of Government, have been steadily enlarged and the privileges enjoyed by it now were probably not dreamt of 20, or even 10 years ago.

Till the historic Rendition of 1881, such legislative enactments as were considered necessary or desirable in the interests of the State, were introduced into it by the Chief Commissioner under the authority of the Governor-General in Council, and after that event up to 1907, such enactments were undertaken by the Local Government itself, and the people, or their representatives, had no voice either in their drafting or passing into Laws. It was then considered advisable to constitute a Legislative Council and a small beginning was made in that year Now 14 years after, the Legislative Council is so enlarged and constituted that there is an unofficial majority among its members, the non-officials being either representatives elected by the people, or, individuals specially nominated by the Government for various reasons. As matters now stand, the constitution consists of an Executive Council which is presided over by the Dewan as President, a Legislative Council of which the Dewan is the President and Members of Council and certain selected Heads of Departments and Secretaries to Government the official members, and a Representative Assembly made up of representatives elected by the various electorates in the State. But it must be remembered that this last body is not a statutory body, but one which owes its existence to an executive order of Government. There is a strong feeling, indicative of the times, that this representative body should also be placed on the statutory basis. If, and when, this is an accomplished fact, the consitution of Mysore will comprise a Cabinet (Executive Council), the Upper House (Legislative Council) and a Lower House (Representative Assembly).

Before the question of converting the Representative Assembly into a statutory body and giving it, and the Legislative Council which is a statutory body, higher powers and responsibilities in the administration of the country, sometime more must elapse in my opinion. It is necessary to consolidate and make certain that these bodies have realised their duties and responsibilities in performing their functions properly before further reforms in their constitution, position and powers are considered. To my mind, it is premature to consider this question now, though there may be a feeling in the minds of the literate public that such a move is strongly indicated. Here, as in British India, the spirit has not pervaded the masses; and it will be advisable to go ahead in the matter cautiously. Progress is necessary, but, progress must not be unduly hastened. By tradition, temperament and training the Indian people are more fit for evolution than revolution, and this is a factor which cannot be ignored.

The Local Self-Government Scheme has been in operation for the past three years and sufficient time has not in my opinion, elapsed to say that it has been a success or otherwise. But there is no doubt that most new schemes are handicapped at the outset and that it is only time which can smoothen the rough path. Still the scope for the training of the local people in matters of administration is very limited, though in connection with the above scheme, a beginning has been made by granting them Village Panchayets, Taluk Boards, District Boards and Municipal Councils to which the members and the Vice-Presidents, and in some cases Presidents also are selected by the people. Some reasonable time must elapse before our people learn their lessons and acquire the art of administration. For these reasons, I am of opinion that the question of (1) making the Representative Assembly a statutory body with enhanced powers and (2) extending the Legislative Council on a more popular basis may well be held in abeyance for another three years at least. (3) Many measures of reform have been introduced into the State during the past eight years or so and it seems to me that before further measures are considered, and much more adopted, it is very necessary to examine and make certain that the previous measures have been understood and are in a satisfactory working condition. Superstructures can be solid and effective only where care has been taken to see that the foundations have been thoroughly established.

During the past two or three years, repeated representations have been made in the Representative Assembly, that a non-official may be appointed a member of the Executive Council. It is not clear, however, whether the intention is that this should be made by selection or nomination. If the former, I feel that the time has not yet come for the privilege to be conceded and exercised. In case, the latter, it would not be open to the same extent of objection, though, I personally feel, that, in view of the present situation which is one of considerable delicacy and difficulty by reason of the financial, communal, and other considerations which prevail, even this is a step which is better deferred. I should hesitate to recommend its immediate adoption.

The above may appear to be very orthodox and conservative, besides sadly lacking in imagination, but I firmly believe that much good cannot be attained by undue haste, and, that it is safer to progress slowly, taking care, before any advance is made, that the steps previously taken have been properly consolidated.

(12)

Notes on Constitutional Reforms by Mr. Mir Humza Hussain, Member of Council.

I think time has arrived for a move being made in the direction of constitutional reforms by enlarging the powers and functions of the Chief Political Institutions of the State. Time was when ours was the only State in British India which had a democratic institution like the Representative Assembly which was truly representative of the people of the State and their varied interests. Though it was no more than a petitioning body, it constituted a distinct advance upon the political institutions of British India which existed two decades ago. Since then events have moved very rapidly in British India. The powers and functions of the Legislative Councils were considerably enlarged under the Minto-Morely Scheme of reforms and now under the Montague-Chelmsford Reform Scheme, responsible Government has been introduced in the provinces in respect of transferred subjects and the Supreme Government has been remodelled on a popular basis with full power over the purse under certain safeguards. Our people, who were enjoying before these reforms the benefits of a popular and democratic Government, cannot remain unaffected by these changes and they would naturally like to be abreast of the times in these matters and desire to have an increasing share in the Government of the country. It will be a great mistake not to respond to their political yearnings and satisfy their natural aspirations. Generally speaking, the problem, so far as the Indian States are concerned, is beset with certain difficulties on account of the personal element of the Ruler. The essential condition of reform in all Indian States is that the power and prerogative of the Sovereign should remain unimpaired and that the country should not lose the benefit of the personal rule of the Sovereign which is the mainstay of the loyalty of the people and the stability of the Government.

Happily for Mysore, the problem does not present much difficulty as the Sovereign has been quite a constitutional monarch and has not exercised his powers in an arbitrary manner. His Civil List is fixed, he has not introduced any laws against the wishes of the people and has in administrative matters followed and does generally follow the advice of his Ministers.

Besides the Sovereign, whose powers should remain intact, the two other political institutions of the State are —

1. The Representative Assembly, established in 1881, and
2. The Legislative Council, established in 1907.

Most of the Sovereign States have a bi-cameral system of Government and it is only in the Provinces that a single Chamber exists. The advantages of a double Chamber are too obvious to need mention and ours being a Sovereign State, it is not possible for us to adopt a single Chamber System. The existence of the two institutions mentioned above is absolutely necessary, but I would change the designation of the Legislative Council into that of the 'Council of State,' the name of the corresponding Chamber in the Central Government of India.

The powers and functions of these two bodies may be enlarged as follows:—

Representative Assembly.—At present, this body is simply a petitioning body. The members make representation only to the Government and invite discussion.

They have no right to divide the House and much less are their resolutions binding upon the Government. Latterly, they have been given the power to discuss the budget and to ask interpellations, but these powers have not been used much to the advantage of the State, as their representations are not binding upon the Government. To give the Assembly a potent voice in the administration of the State, it is necessary that their resolutions should be binding upon the Government, and since the Assembly is not accustomed to exercise this power and since the Ministers are not to hold office at the will of the Assembly, it is necessary to prescribe certain limitations to this power. The present practice of the members bringing up subjects for discussion may continue, for these subjects are strictly speaking resolutions which are withdrawn after discussion and after the Government Members make a statement with reference to them. There will be no difficulty in respect of the subjects or resolutions which the Government may accept, but in respect of such of the resolutions as the Government may not accept at once, I would place them before the Council of State, the present Legislative Council, and if they are passed by a majority they may be made binding upon the Government unless vetoed by His Highness. The system now prevalent of deferring orders being passed upon a subject discussed and noting it for consideration should, I think, be given up. It prevails in no other country and makes the voice of the Assembly as ineffective as possible.

The number of subjects which are now being sent up is too large for discussion at one sitting of the Assembly. Either the number may be curtailed or a subject committee formed to eliminate the subjects not fit for voting, or the sense of the Assembly taken as soon as a subject is discussed as to whether it should be voted upon in case it is not withdrawn. Having watched the working of the Assembly for some years, I would prefer the last mentioned course as the best which will cause the least friction possible.

Except as regards the obligations arising from the Treaty and the measures affecting the Royal Family, I would allow all the subjects to be discussed in the Assembly. In an Indian State where the interests of the Sovereign are indentical with those of the people, there is no necessity for having any reserved subjects. The people are as much interested in the maintenance of law and order as the Government itself and there is absolutely no need to exclude subjects like the Police, the Military, etc., from the cognizance of the Assembly.

The Assembly being the more popular of the two bodies, it should be entrusted with the Legislative power also. The proposal to give it only the power to initiate proceedings leaving the other details to be worked out by the second Chamber is no doubt simple and feasible, but I do not think that it will be acceptable to the people, because it is not in consonance with modern political opinion. However, it may be tried at present, and if the force of public opinion is strong against the measure, the Representative Assembly may be given the same powers which the Legislative Assembly in British India now enjoys.

In all countries which are governed by parliamentary institutions, it is the lower House that votes the supplies. In the constitutional reforms of the Government of India, it is the Legislative Assembly that passes the budget, the functions of the Supreme Council being simply to criticise the financial statement and offer its suggestions. The Governor-General has been given the power to veto the decision of the Legislative Assembly if it refuses a demand which he considers essential to the discharge of his responsibilities. Similar powers may, I think, be given to the Representative Assembly and the power of veto may be exercised by the Sovereign in case the Representative Assembly refuses to make a grant applied for by the Government. But there is no reason why the budgets of a few departments only should come within the purview of the Representative Assembly. If we except any subjects or departments, we will be introducing the principle of diarchy which can have no place in our system of Government. The same subjects which are excluded from the cognizance of the Legislative Assembly may also be excluded from the cognizance of the Representative Assembly with the exception perhaps of Defence, the Subsidy coming under the head Political which is an excluded subject under the Reform Act. The salaries of the Dewan, the Members of Council, the Judges of the Chief Court and Heads of Departments may perhaps be taken out of the purview of the Representative Assembly. Since these powers are to be exercised for the first time by the Representative Assembly, I

would impose a further restriction, *viz.*, that subject to the veto of His Highness the Maharaja if a grant is refused by the Representative Assembly, the refusal can be binding only if it is approved by a majority of the members of the Legislatiue Council or the Council of State. Some such provision existed in the constitution of the Imperial Government of Germany before the Revolution of 1918. The proposal in other words comes to this, that, as in the case of resolutions on general subjects a recommendation not accepted by the Government will have no binding effect unless it is approved by a majority of the Council of State, subject of course to the veto of His Highness. This will obviate, in a large number of cases, the unpleasant duty of vetoing which may devolve upon His Highness in case of refusal of grants by the Assembly. The Assembly of course will retain the power of interpellation which it has all along enjoyed.

Constitution of the Assembly.—The Assembly, as is now constituted, is representative of all classes and interests—Agriculture, Trade, Commerce, Industries and the special interests of minorities. Members are elected both under the direct and the indirect system. The latter system may be given up for reasons so well summarised in para 83 of the Report on the Indian Constitutional Reforms, though it may tend to reduce the importance of Municipalities and Local Boards which are now returning members to the Representative Assembly. But provision has to be made for what is known as the effective representation of minorities. It is too early to expect that the different communities will coalesce and form one unit for the purposes of representation. This is unfortunate. The aim of every Indian should be to obliterate all disputes and dissensions arising out of the caste or religious differences but until this consummation takes place, it is not right to ignore the existing facts and conditions. I would therefore give special representation to Mussalmans and Christians and depressed classes, though I doubt whether competent men will be forthcoming for some years to come from the last mentioned community. I would give the same proportion of representation as in British India. But I shall have a general electorate for their election and not a special electorate composed of men of the same class only, in other words, I recommend a reservation of seats for these minorities in both the Houses.

As regards the strength of the Representative Assembly, I would give one representative for every 20,000 of population. In Canada the proportion is one for every 30,000 and in New Zealand one for every 14,000. The one suggested by me is a compromise between the two and at this rate we will have nearly 180 members and to this I shall add 20 more to facilitite the proper representation of minorities. I would thus fix the total number at 200.

I am in favour of continuing the present system under which the Dewan presides over the deliberations of the Representative Assembly. He is the Executive Head of the Administration and he must be in close touch with the representations of the people. No doubt in British India the Governor and the Governor-General have ceased to preside over the Legislative Conncils and in their places separate Presidents have been appointed. But in British India the Governor-General and the Governor are more than executive Heads of the administration. They are representatives of the Sovereign and exercise the power of veto which in our constitution is reserved as the exclusive prerogative of His Highness. Our Representative Assembly has been in existence for the last 40 years, and it has built up traditions of its own. Any violent break with the past should be avoided. The Dewan and the Members of Council should continue to guide its deliberations. It is not necessary that they should vote. They may take part in the discussions but the voting must be confined to the representatives as that method only gives a true index of popular feeling.

The Council of State.—The object of a second Chamber now-a-days is to introduce a steadying influence in the legislature and to make it a revising authority upon all legislation. The idea put forward in the Reform Report that it should be the supreme Legislative authority with an official majority, so that the Government may obtain the supplies and get legislative measures passed which might have been refused by the lower House, has been definitely given up. The Governor-General in Council has been given the power, in addition to the power which he possesses of passing emergency regulations, "to pass an Act in respect of any reserved subject, if he considers that the Act is necessary for the proper fulfilment of his responsibility to Parliament." A similar power in respect of all subjects, not

necessarily reserved ones, should be reserved in His Highness, in order to avoid a deadlock between the Government and the Legislative, if the latter pertinaciously refuses to pass measures which, in the opinion of the Government, are absolutely necessary for the good Government and safety of the country.

The Council of State may consist of 60 members of whom not more than 20 may be officials. 28 of these may be elected members and 12 non-official nominated members. A large number for nomination is necessary in order to afford scope for the appointment of retired officers of the State whose mature experience will have a sobering effect upon the deliberations of the Council and in order also to afford greater scope for the representation of minorities and other interests. Besides the duties and functions which the Council of State in British India is entrusted with, it will have the power to pass resolutions upon matters referred to that body in case of a divergence of opinion between the Government and the Representative Assembly. It will have also the same powers of interpellation and passing resolutions as the lower house, but the resolutions passed by it will be subject to confirmation by the latter Assembly. The Council of State may be presided over by the Dewan or by the Deputy President as occasion may require. One of the Councillors may be appointed Deputy President.

The Executive.—The accepted principle is that the Executive must be responsible to the legislature when the power to vote supplies vests in the hands of the latter. But this clashes with the essential characteristic of the Government of an Indian State, *viz.*, the personal rule of the Maharaja and derogates from his power and responsibilities. The Executive must be responsible to His Highness. It should be appointed by him and it should be removable at his pleasure. To avoid the danger of an independent Executive not carrying out the wishes of the people, it has been proposed to make the resolutions of the Legislature binding on the Executive under certain safeguards a departure advisedly made from the practice in British India in order to give fully a popular character to the Government. There is of course the danger of the Legislature constantly thwarting the Executive when the latter is not responsible to it by refusing supplies, but we can depend upon the good sense and sobriety of judgment of the Councils to prevent such impasses being brought about. After all, when it has been made clear by repeated defeats that the Executive does not command the confidence of both the Houses, His Highness will surely take steps to effect a change in the Government.

The Executive Council may consist of the Dewan and three Councillors one of whom may be a non-official elected member of any one of the Houses commanding its confidence.

It is a question whether the Representative Assembly should be placed on a statutory basis. A constitution which rests upon statute is inelastic in its nature and incapable of easy adjustment and adaptation to the changing circumstances of the times. The Representative Assembly has developed satisfactorily during all these years without a statute and it will be on its trial with regard to the extended powers that are proposed to be given to it. It is better to rest its constitution upon an executive order from His Highness. A statute binds the hands of His Highness the Maharaja and a statutory constitution is inconsistent with the personal Rule of His Highness.

I have not in this note touched upon the main questions of franchise, etc., as they can be easily dealt with after the main lines of the reforms are decided.

(13)

Note on Constitutional Reforms recorded at the Council Meeting dated 9th February 1922.

The First Member is of opinion that this is not an opportune time to make any material change in the constitution or in the Governmental machinery, but has no objection to the appointment of a Committee of officials and non-officials to go into the question and furnish a report. We shall thus have something to go upon to test the reality of the demand and the nature of the reforms that are suitable, in regard to both of which there are no precise indications at present.

In addition to what he has stated in his note, the Second Member has no objection to the appointment of a Committee.

The Third Member is of opinion that since we have already made an announcement and raised hopes in the minds of the people, it is not advisable to go back on the promises already made. In view of the financial situation, which requires increased taxation, we have to enlist the active co-operation of non-official members of the Legislative Council, and of the Representative Assembly. It is necessary therefore to give them increased responsibilities and an increased share in the administration of the country. He has no objection therefore to appoint a Committee.

(14)

Dewan Mr. Banerji's Submission Note dated 6th April 1922, to His Highness the Maharaja, on the Subject of "Constitutional Reforms in Mysore."

The question of constitutional reforms in Mysore has been in the air ever since the publication of Montagu-Chelmsford Report. In reply to various references in the Legislative Council on this matter, the Dewan Sir M. Kantaraj Urs said in his speech on Wednesday the 29th June 1921 at the conclusion of the debate on the budget for 1921-22 as follows:—

"In connection with the discussion on the subject it was inevitable that some of the members should refer to the question of larger participation of the people in the responsibilities of Government. I need hardly say that the progress of constitutional reforms in British India has been closely followed by His Highness' Government and I am to say that the inauguration of measures of constitutional reforms on the lines adopted to our requirements and conditions is a matter which will receive their earnest attention."

Again, in his concluding remarks during the Dasara session of the Representative Assembly in 1921, Sir M. Kantaraj Urs said:—

"In regard to the important question of constitutional reform which was discussed this evening, I may say that while sympathising with the natural aspirations of the people in this matter, the Government feel that this subject cannot be rushed. Conditions in Mysore are not on all fours with those in British India and it will not do merely to copy what is considered suitable for British India. The question of adopting measures for giving the people an increasing share in the administration is engaging the earnest attention of the Government. The views of the Assembly as indicated in the discussions to-day will be submitted to His Highness the Maharaja for his gracious consideration, and I trust it will be possible to evolve a scheme of reforms which may be placed before the Assembly for discussion when we meet next."

A preliminary note in respect of constitutional reforms in Mysore had been prepared in August last and after consideration in Council, it was submitted to His Highness. Dr. Seal, the Vice-Chancellor, certain retired officers and non-officials were consulted on those suggestions under His Highness' orders. The opinions elicited have been separately submitted. A note prepared by the Huzur Secretary has also been received. The question of the further action to be taken in the matter was considered at a meeting of the Council on the 9th February 1922.

I expressed the opinion that this is not an opportune time to make any material change in the constitution or in the Governmental machinery. The Government has to concentrate attention now on the most vital problem, *viz.*, the financial situation and all its energies should, for some months at least, be concentrated on that question. Any measure of constitutional reform that His Highness may be pleased to give has to be real and at the same time one that the people could respond to. Such a measure is sure to entail additional expenditure in the long run. But I had then no objection to the appointment of a Committee of officials and non-officials to go into the question and furnish a report. I thought that we should have something to go upon to trace the reality of the demands and the nature of the requirements that are suitable, in regard to both of which, there are no precise indications at present.

The Second Member of Council in addition to what he had stated in his note which has been already submitted, had no objection to the appointment of a Committee.

The Third Member was of opinion that since we had already made an announcement and raised hopes in the minds of the people it was not advisable to go back on the promises already made, that in view of the financial situation which requires increased taxation, we have to enlist the active co-operation of the non-official members of the Legislative Council and of the Representative Assembly; and it was also necessary therefore, to give them increased responsibilities and an increased share in the administration of the country. He had no objection, therefore, to the appointment of the Committee.

I discussed the question again informally with the Members of Council at the meeting yesterday and the Members were of opinion that it is necessary to make a definite statement now to the effect that owing to several reasons the principal of which is the important work of the reorganization of the State's finances, it will not be possible to place any scheme before the next Birthday Session of the Representative Assembly as anticipated by Sir M. Kantaraj Urs last October and that pending the disposal of the more urgent questions affecting the stability of the State's finances, the formulation of a scheme of constitutional reforms has to be postponed, till at least next October. At this stage, the Council does not think the appointment of a Committee of officials and non-officials is expedient as such a course will rouse expectations which are bound to be unrealized. I also think that the appointment of a Committee may lead to some embarrassment as the demands from certain quarters are somewhat extreme and if Government grant any scheme at all, it has to be very carefully considered with reference to the existing constitution and the tradition of the State. Any sudden departure from the settled forms of Government in Mysore will be highly inexpedient at this stage. If we can see day light through our present gloomy financial position, in the course of next year or 18 months, we shall be justified in taking up the question then.

I therefore request permission to make a statement on the 10th instant at the Legislative Council meeting in accordance with the above view so that the general public may know how the matter stands, specially as some hopes of an early settlement have been given. A copy of the draft speech I propose to make is being submitted separately for His Highness' gracious approval.

(15)

Extracts from the Dewan's Speech at the Legislative Council Meeting held on the 10th April 1922.

There is just one other matter about which I should like to say a few words before we proceed to the business put down in the Agenda. I refer to the question of Constitutional Reforms in Mysore. Sir M. Kantaraj Urs had once assured you that the question is engaging the attention of His Highness' Government. Since the last meeting of the Representative Assembly the matter has been further considered and proposals for constitutional advance are being carefully studied in the light of experience gained in British India and the peculiar conditions of this State. One fact that has come out prominently to notice is that the questions involved are far more complex than a cursory examination of the subject might lead one to suppose; a careful and detailed examination of the subject not only by the Government, but also by the leaders of non-official public is necessary before any satisfactory solution can be arrived at.

Government are glad to note that two of our public men—one of whom is a member of this Council have already made an attempt to set down their ideas of constitutional reforms as applicable to Mysore. I trust many others will follow their example and study the questions themselves and lay the results of their studies before the public for being fully threshed out. So far as Government are concerned, I feel it will not be possible to realise the anticipations that were held out by Sir M. Kantaraj Urs at the Dasara Session of the Representative Assembly, *viz.*, that a scheme may be evolved and placed before the next Birthday Session for discussion. Although we have made some progress in collecting and eliciting information and formulating suggessions in the matter, the Government consider that owing to the vast importance of the subject and the intricate issues involved, it is necessary to go cautiously and slow. Besides, all the time and energy at our disposal have now to be concentrated at least for the next few months towards the

solution of the financial problem. I hope, therefore, there will be no disappointment if I say that while Government will give their continued attention to this matter, it will not be possible to make any definite pronouncement before the next October Session of the Representative Assembly.

(16)

Notes on Constitutional Reforms by Sir M. Visvesvaraya dated 30th May 1922.

The subject of constitutional reforms in the direction of liberalising the administration is engaging the attention of His Highness' Government. An announcement as to the precise character and scope of the reforms was promised for the Birthday Session of the Representative Assembly in June, but is now unavoidably postponed to the Dasara Session in October 1922. The late Dewan Sir M. Kantaraj Urs, K.C.I.E., C.S.I., has prepared tentative proposals and several leading men who were consulted have furnished notes and suggestions. The subject is receiving a great deal of attention from the public and the press at the present time.

2. The questions which press for a decision are two in number, *viz.*—

(i) what advance, if any, should be made in the direction of responsible Government? and

(ii) what changes are necessary in the present legislative and other machinery of Government to suit such advance?

If the nature and extent of the concessions to be made to popular representations are first settled, the machinery of Government can be easily adjusted to the change proposed.

3. The main lines of reform may fall under one or other of the following three classes:—

(i) To remodel the two existing popular assemblies (the Lagislative Council and the Representative Assembly) so as to be more truly representative of the various interests in the State, but to continue to appoint the Executive Council or Ministers at the pleasure of His Highness and make the executive acts of Government dependent on His Highness' approval as at present.

(ii) To grant a partial form of responsible Government by making the above named assemblies more fully representative than they are at present, by selecting one or more members of the Executive Council from persons who enjoy the confidence of the legislature and by making the decisions and resolutions of the legislature binding on the executive in regard to certain specified departments or branches of the administration (corresponding to what are known as 'Transferred subjects' in British India).

(iii) To grant full responsible Government according to which the Executive Council will consist of persons who enjoy the confidence of the legislature and whose acts will be supervised and controlled by the legislature in harmony with the public opinion of the country.

4. The first proposal, if given effect to, will, it is feared, cause disappointment and create a difficult situation for the Government. Experience shows that to make the legislature more truly representative without at the same time increasing its powers will be a source of weakness rather than of strength. It will bring the Government into sharp conflict with the organised will of the people although the actual amount of discontent will really depend upon the pace of progress in British India. It would have been better if no reforms had been promised than to attempt to give them in this shape.

5. Any change in the present system should be in the direction of granting the people some form of responsible Government. It is round this aspect of reform that all the demands and controversies have centred both in British India and in Native States wherever there has been an expression of popular opinion.

Under the third proposal, *viz.*, full responsible Government which I presume is not contemplated at present, two essential conditions should be fulfilled in practice, *viz.*, (i) the members of the Executive Council or Ministers should be chosen from the two Houses of the legislature and especially the Lower House (the House which possesses the sole control of taxation and appropriations) and

(ii) the resolutions passed by both the Houses should be binding on the Executive and the proposals emanating from the executive should ordinarily receive the sanction of His Highness. In exceptional cases, His Highness' decision may be delayed until the wishes of the people are unmistakably ascertained but as a general rule it should ultimately accord with the views of the legislature.

This is the form of Government which if sanctioned, will satisfy the most advanced politicians within or outside the State.

6. The second proposal of paragraph 3 is essentially in accord with the tentative scheme put forward by the late Dewan. He suggests that one of the three Members of the Executive Council should be taken from one of the two Houses and that, save in respect of certain reserved subjects specified in his note, the proposals for taxation and the resolutions passed by at least three-fifths majority in both Houses should be binding on the Executive Council "unless His Highness deems fit to veto such resolutions." If this means that His Highness will not ordinarily exercise his power of veto in respect of "Transferred Subjects," the proposal constitutes a substantial concession to the popular will. The power of veto is always there. Only there should be a convention, an understanding, that it will be exercised in rare cases. Under every monarchical Government, however democratic its constitution, the Soverign has the right of veto, but it is not usually in evidence. If the resolutions passed by a majority of members of both Houses instead of a three-fifths majority are accepted, this partial form of responsible Government might satisfy the public for a time provided the progress in British India continues to be slow and gradual.

II.

7. I shall assume for my present purpose that the partial form of responsible Government recommended by the late Dewan with the modifications suggested above will receive support and will proceed to indicate the consequential changes considered necessary in the existing popular bodies and Government machinery to give satisfactory effect to the scheme. In what follows only the more important changes are indicated. The details can be easily supplied if the essentials meet with approval.

It would be in the fitness of things to convert the Legislative Council and the Representative Assembly, the two bodies which at present exercise influence over the legislative and executive functions of Government, into an Upper House and a Lower House, respectively, so as to constitute a new bi-cameral legislature. The two assemblies have no relation to one another at present except for the fact that the Representative Assembly is a part of the electorate for the Legislative Council. The former bulks large in name and numbers but in reality has no constitutional position in the administration and its methods of transacting business are primitive.

8. The new Upper House should have 40 members. It is suggested that the Lower House should consist of not more than 120 members in place of about 296 members who compose the present Representative Assembly. Any increase over the 120 members indicated will make the assemblies unwieldy and add to the expenses of the administration. Under Constitutional Government, the Sessions of the two assemblies will be longer and more frequent than at present. The members will have to be paid their travelling and daily allowances which, sooner or later, as in every advanced country, will have to be commuted into fixed allowances or salaries. Moreover, such a large number as 296 will bring into the Representative Assembly members of indifferent calibre which it is desirable to avoid. With increase of literacy in the population, the number of members may be increased if considered necessary after ten years.

Every literate person, male or female, should be entitled to a vote irrespective of property qualification.

Upper House.

9. The Legislative Council which will be the future Upper House consists at present of leading men and men of experience in the country, the majority of whom are elected and some nominated. In the future House, perhaps out of a total of 40 members, 6 members may be nominated for life, and 7 more nominated and 27 elected for a term of 6 years which should be the life of the House. Half the number of all the members not nominated for life should retire every three years although eligible for re-election or re-nomination.

Nomination is recommended in the case of a small proportion of the members of the Upper House to provide some steady conservative elements who will uphold the prerogatives of His Highness' Throne and person and help to preserve whatever may be of value in the constitution and traditions of the administration.

Lower House.

10. The Lower House may be elected for 3 years. All the members may be elected with the exception of 10 per cent who may be nominated to represent special interests like the depressed classes. If in the rules for election, residence in a constituency is not insisted on, there is every certainty that competent men will be returned to the Assembly from every corner of the State.

Powers of the two Houses.

11. Both Houses should enjoy the right of interpellation and of passing resolution to the extent allowed in the two Chambers of the Indian Legislature. The budget, both receipts and appropriations, should be sanctioned by the Lower House or popular Chamber as suggested by the late Dewan. The Cabinet or Executive Council should ordinarily give effect to the resolutions passed by either House but should be bound to do so in the case of every resolution passed by both Houses save in the case of the reserved subjects mentioned in the Dewan's note.

It is suggested that for the first five years the Legislative Council should continue to exercise the final authority to pass legislative measures just in the same way that it is proposed to give the power of the purse to the Lower House from the outset. But after five years and before the end of the 10th year from the introduction of the reforms, the function of the Upper and Lower Houses should approximate to those of the two Houses of the Indian Legislature. At the end of ten years, the Representative Assembly (Upper House) should, as in every modern constitution, be transformed into the more important House of the legislature.

12. It will be necessay in future to hold extended sessions of not less than fifteen days duration for the consideration and discussion of public business. More business will be done if three Sessions are arranged for.

Difference between the two Houses may be settled by a Joint Committee of members of both Houses. Standing Committee should be appointed to associate the representatives of the people with the Minister or Member of the Executive Council for the supervision of the more important or vital branches of the administration such as, Finance, Industries, Trade, etc.

Executive Council.

13. The Executive Council at present consists of three members including the Dewan. In practice it will be found that four members will be indispensable if the normal activities are to receive satisfactory attention. Two of these members may be selected from the legislature. The salaries of the popular Ministers who will regard their offices as positions of trust and honor need not exceed Rs. 1,500.

The revenues of the State normally depend on the activities of the people and at the present time the people's activities especially in agriculture, industries and trade require special encouragement. With partial responsible Government four Ministers besides the Dewan will be necessary to cope with public business. Otherwise the resulting business delays are likely to lead to apathy and discontent among the people, leading to stagnation in trade and industry and eventually to the diminution of the revenues of the State.

14. Mysore was the first among nIdian States to give the people some measure of representation in the Counsels of the State. On the present occasion His Highness has been pleased to promise reforms, and according to the spirit of the times, any concessions to the new forces should be in the direction of granting the people some form of responsible Government. If this is done, and if gradually the best and the most popular men in the two Assemblies come to be appointed to the Executive Council, the people will work with hope and His Highness will be saved the anxiety inseparable from public agitation and the Mysore State will continue to maintain the lead in constitutional progress.

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